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4/13/01  
J

LUZERNE COUNTY CLERK OF COURTS  
WILKES-BARRE, PENNSYLVANIA  
PHONE # 825-1584  
FAX # 825-1583

DATE APRIL 11, 2001

CLERK OF COURTS  
FEDERAL BLDG.  
CORNER 3rd & Walnut Streets  
Harrisburg, Pa. 17108

FILED  
HARRISBURG, PA

APR 12 2001

Y

A

MARY L. DIXONHEA, CLERK  
Per G.J.B.

COMPLETE FILE OF: DENNIS BASS

CASE NO.: 1.31-1998

SUPERIOR COURT NO.: CIVIL II 1:CV-01-0082

J. Rambo

mag. judge Blank

RECEIVED BY: \_\_\_\_\_

DATE RECEIVED: \_\_\_\_\_

**CERTIFICATE OF TRANSMITTAL OF RECORD**

**PA. RULE OF APPELLATE PROCEDURE 1931 ©**

*THE UNDERSIGNED, Clerk of Courts of the Common Pleas of  
LUZERNE COUNTY, the said Court being Court of record, do hereby  
certify that annexed hereto is a true and correct copy of the whole and  
entire record, including any Stenographer Records requested by Counsel,  
exhibits, (if any on file), and the docket entries in the following matter:*

Caption: *DENNIS BASS*

Term and No.: *131-1998*

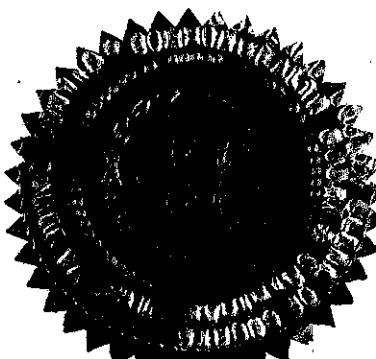
Appellate Ct. No.: *CIVIL # 1:CV-01-0082*

The documents comprising the record have been numbered from *No. 1*

To *No. 16*, and attached with the docket entries.

The date on which the record has been transmitted to the *Appellate Court*:

APRIL 11, 2001

  
*ROBERT F. REILLY*  
CLERK OF COURTS

*JUDGE PATRICK TOOLE*  
JUDGE

Date: 4/10/2001

Luzerne County Court of Common Pleas

User: ABLAKER

Time: 12:52 PM

ROA Report

Page 1 of 3

Case: 1998-CR-0000131 Current judge: Leonard D Harvey

Defendant: Bass, Dennis Dw6560

Date	Judge
12/20/1997	VIOLATION DATE
12/21/1997	COMPLAINT FILED VIOLATION DATE
1/16/1998	Committed Lccf \$50,000.00
	BURGLARY(F) 3502A
	RESIST ARREST(M) 5104
	THEFT(M) 3921A
	CRIM MISCHIEF(S) 3304A2
2 1/22/1998	BAIL PIECE FILED. CAPPELLINI,J. MODIFY/BAIL: R.O.R. \$5,000.00 W/PRE- TRIAL SERVICES NO ALC PUB-PRIV NO DRINK - DRIVE NO D/PARA NOT ASSOC W/A/O USING D/A NO CONTACT W/VICTIMS DEFT RELEASED PENDING A/O DETAINERS CAPPELLINI,J.
3 3/23/1998	INFORMATION APPROVED
4 4/3/1998	NOTICE OF CHANGE OF ADDRESS FILED. ARRAIGNMENT DATE
5 11/18/1998	REQUEST FOR DISCOVERY FILED. NOTICE OF CHANGE OF ADDRESS FILED.
6 12/1/1998	UPON TRIAL BEFORE THE COURT W/O/A JURY: DEFT PLEADS NOT GUILTY: JURY CALLED & SWORN: 2:12PM TOOLE,J. DISP - GUILTY - JURY TRIAL - TO CT1 BURG CT2 RESIST/ARREST CT3 THEFT/UNLAW TAK SUMM: CRIM MISCH MERGED W/CT'S 1,2,& 3 PRESENTENCE INVESTIGATION ORDERED BY 1/6/99 BAIL CONT PENDING SENT SENT: 1/8/99 TOOLE,J.
12/3/1998	LUZERNE COUNTY CASH COSTS \$135.28/\$135.28
7 1/8/1999	SENTENCING - BURG - SCI 24MOS TO 48MOS RESIST ARREST: 6MOS TO 12MOS CONCUR TO BURG - THEFT REQUIRES NO SENT - REMANDED FOR CLASSIF 1/15/99 BAIL PENDING APPEAL DENIED EVAL MENTAL HEALTH NO CONT/VICTIM OR ESTAB PAY ALL CSTS RESTIT \$165 W/I 12MOS OF RELEASE - CRIM MISCH MERGES FOR SENT PURPOSE TOOLE,J.
8 1/12/1999	NOTICE OF CHANGE OF ADDRESS FILED.
1/14/1999	STATE COSTS (Act 204) \$9.39/\$9.39  STATE COSTS (Act 167) \$14.08/\$0.48  DOMESTIC VIOLENCE COSTS \$10.00/\$0.00  CR VIC CSTS (MANDATORY) \$15.00/\$0.00  CR COMM CSTS (MANDATORY) \$15.00/\$0.00

Date: 4/10/2001

Cuyahoga County Court of Common Pleas

User: ABLAKER

Time: 12:52 PM

ROA Report

Page 2 of 3

Case: 1998-CR-0000131 Current judge: Leonard D Harvey

Defendant: Bass, Dennis Dw6560

Date	Judge
1/14/1999	C OF C FILING FEE (AFTER) \$75.00/\$0.00
	JCP MISC \$5.00/\$0.00
	FIREARM TRAINING ACT(ACT 158) \$5.00/\$0.00
3/5/1999	PETITION FOR APPT CONFLICT COUNSEL AND ORDER FILED. (ATTY SAM FALCONE) MUNDY,J.
4/6/1999	PETITION OF CONVICTION APPEAL FILED. PETITION OF TIME EXTENTION ON UNTIMELY CONVICTION APPEAL FILED. PETITION OF INDIGENT STATUS & THE RELEASE/DISCLOSURE OF CRIMINAL FILES FILED. NOTICE OF INTENTION TO FILE PETITIONS FILED. (ALL PETITIONS SENT TO ATTY FALCONE)
4/20/1999	MOTION FOR ORDER TO TRANSCRIBE RECORDS ORDER FILED CONAHAN,J.
6/23/1999	CHNAGE OF ADDRESS FILED.
6/24/1999	CASE MGMT POST PAYMENT \$6.05
8/3/1999	CASE MGMT POST PAYMENT \$2.05
9/1/1999	CASE MGMT POST PAYMENT \$24.56
10/4/1999	CASE MGMT POST PAYMENT \$64.54
10/22/1999	CASE MGMT POST PAYMENT \$4.85
10/25/1999	PETITION FOR TIME CREDIT CERTIFICATE FILED. (SENT TO ATTY SAM FALCONE)
1/21/2000	MOTION TO RECEIVE CREDIT FOR TIME SERVED AND ORDER FILED. TOOLE,J.
3/3/2000	CASE MGMT POST PAYMENT \$11.98
4/3/2000	CASE MGMT POST PAYMENT \$21.12
4/10/2000	NOTICE OF MOTION SUBMISSION & SERVICE FILED. MOTION FOR ORDER GRANTING DEF CERTIFIED TRANSCRIPT COPIES FILED.
4/18/2000	CASE MGMT POST PAYMENT \$10.00
6/26/2000	Motion Requesting Reappt. of Counsel filed.(sent to Atty Sam Falcone)
	Application for Leave to File Original Process in the Supreme Court filed.(sent to Atty Sam Falcone)
6/28/2000	Petition for Appointment of Conflict Counsel & Order Filed Hugh F Mundy
	Petition for Appointment of Conflict Counsel & Order Filed Public defender Brian C Corcoran Hugh F Mundy
8/7/2000	Petition for Order to produce Post Conviction Relief Act Judgment from Respondent and/or Reversal of crim Charges filed. to Supreme Court

Date: 4/10/2001

Linn County Court of Common Pleas

User: ABLAKER

Time: 12:52 PM

ROA Report

Page 3 of 3

Case: 1998-CR-0000131 Current judge: Leonard D Harvey

Defendant: Bass, Dennis Dw6560

Date	Judge
8/7/2000	Motion to Amend & Update Writ of Mandamus and or Extraordinary Relief & Leave to proceed In Forma pauperis filed to Supreme Court Proof of Service Filed
8/19/2001	Order from U.S. District Court filed.(Judge Sylvia Rambo, U.S. District Judge)

1. Docket Number of Final Issuing Authority <b>CR-0000515-97</b>	2. Common Plea Number <b>131-98</b>	3. State Identification Number <b>OTN E 912928-2</b>							
4. Final Issuing Authority to be completed by Final Issuing Authority <b>MICHAEL J. COLLINS</b>	DISTRICT NO. <b>11 1 01</b>	5. Transferred from Initial Issuing Authority <b>JOHN E. HASAY</b>							
DEFENDANT		DISTRICT NO. <b>11 3 01</b>							
6. Name and Address (Last Name First) <b>BASS, DENNIS P 283 WYOMING STREET WILKES BARRE, PA 18702-5</b>									
7. Date of Transfer <b>12 22 97</b>			8. Docket No. of Initial Issuing Authority <b>CR-0000204-97</b>						
9. Affiant Who Signed Complaint (Name and Address) <b>HORST, PTLM. BRIAN 15 N. WASHINGTON WILKES-BARRE, PA 18702</b>									
10. Date of Birth <b>MM DD YY 01 18 62</b>	11. Sex <b>M</b>	12. Race <b>W</b>	13. Operator License Number <b>PA PA0401300</b>						
14. State <b>PA</b>	15. ORI <b>PA0401300</b>	16. OCA <b></b>	17. Badge Number/Officer I.D. <b>304-489</b>						
18. Date of Arrest <b>MM DD YY 12 21 97</b>	19. Date Complaint Filed or Citation Issued or Filed <b>MM DD YY 12 21 97</b>	20. Summons Date Issued <b>MM DD YY MM DD YY 12 21 97</b>	21. Warrant <b>DD YY MM DD YY 12 21 97</b>	22. Summons Returned <b>MM DD YY MM DD YY 12 21 97</b>	23. Preliminary Arraignment <b>MM DD YY 12 21 97</b>	24. Time <b>11:15A</b>	25. Date Waived to Court <b>MM DD YY 01 06 98</b>		
26. Prelim. Hear./Sum. Trial	27. Address of Preliminary Hearing/Summary Trial <b>106 SOUTH MAIN STREET, WILKES BARRE, PA 18701</b>						32. Date Set For Preliminary Hearing <b>MM DD YY 01 06 98</b>	33. CONN. <b>J</b>	
28. Description of Charges <b>1A BURGLARY 2 B RESIST ARREST/OTHER LAW ENFORCE 3 C THEFT BY UNLAW TAKING-MOVABLE PROP 4 D CRIM'L MISCH-TAMPER W/PROPERTY 5 E ILLEGAL TO TAUNT LAW ENFORCEMENT</b>			Off. Char. <b></b>	Grading <b></b>	29. Offense Date <b>MM DD YY 12 20 97</b>	30. Section and Subsection <b>CC3502A</b>	31. Disposition <b>WAV</b>	MM DD YY <b>01 06 98</b>	
34. Advised of His Right to Apply for Assignment <b>X</b>	No <input type="checkbox"/>	35. Public Defender Requested by the Defendant? <b>X</b>	No <input type="checkbox"/>	36. Application Provided for Appointment of Public Defender? <b>X</b>	No <input type="checkbox"/>	37. In cases where so required, I the within named Issuing Authority, did make a reasonable effort to settle the difference between the Defendant and the Complainant on: <b></b>	MM DD YY <b></b>		
38. Codefendant(s) Name <b>a b</b>		39. OTN <b>a b</b>	38. Codefendant(s) Name <b>c d</b>		39. OTN <b>c d</b>				
40. Enter 'C' for witness for Complainant- Enter 'D' for Witness for Defendant <b>↓</b>		41. Witnesses Names and Addresses and Names and Addresses of persons (not more than 2), Defendant wishes to be Notified for trial <b></b>					42. Sworn <b></b>	43. Testified <b></b>	44. Defendant Person to be notified <b></b>
45. Commonwealth <b></b>									
46. Complainant <b></b>									
47. Defendant <b>SKLAROSKY, ESQ., JOSEPH NORTH RIVER ST, LUZ. COUNTY COURTHOUSE WILKES-BARRE, PA 18711</b>						Private <input type="checkbox"/>			
						Other <input type="checkbox"/>			
49. Date of Decision <b>MM DD YY</b>	50. Fines <b>\$ .00</b>	Amount <b>\$ .00</b>	51. Costs <b>.00</b>	52. Judgment of Sentence <b>BAL: \$ .00</b>					
Name and Address of Corporate Surety and Agent or Individual Surety-Preliminary Arraignment									
Bail at Preliminary Arraignment <b></b>			**SEE CURRENT BAIL INFORMATION PAGE**						56. Date Bail Posted <b>MM DD YY</b>
53. Type <b>\$</b>	54. Amount <b></b>	55. Date Set <b>MM DD YY</b>							
Name and Address of Corporate Surety and Agent or Individual Surety-Preliminary Hearing									
Current Bail/Bail at Preliminary Hearing <b></b>			**SEE CURRENT BAIL INFORMATION PAGE**						60. Date Bail Posted <b>MM DD YY</b>
57. Type <b>\$</b>	58. Amount <b></b>	59. Date Set <b>MM DD YY</b>							
61. If Committed Date <b>12 21 97</b>	62. Code <b>C</b>	63. Place of Commitment <b>LUZERNE COUNTY CORR. FACILITY</b>	WILKES-BARRE PA						

COPY: CLERK OF COURTS



64. Date Transcript Sent to Court <b>MM DD YY 01 06 98</b>	65. Date Transcript Received <b>MM DD YY 01 06 98</b>
66. My commission expires first Monday of January, 2000.	

\* 0/00/00

1, the above named Issuing Authority certify that this Transcript is a true and correct Transcript of the Docket.

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF: LUZERNE

Magisterial District Number: 11-01-01

District Justice Name: Hon. MICHAEL COLLINS

Address: 106 SOUTH MAIN STREET  
WILKES-BARRE PA. 18702

Telephone: 717 825-7373

Docket No: CR 515-97

Date Filed: 12/21/97

OTN: E912928-2

Defendant's Race/Ethnicity <input checked="" type="checkbox"/> White <input type="checkbox"/> Asian <input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input type="checkbox"/> Native American <input type="checkbox"/> Unknown	Defendant's Sex <input type="checkbox"/> Female <input checked="" type="checkbox"/> Male	Defendant's D.O.B. 1/18/62	Defendant's Social Security Number 112-54-8736	Defendant's SID
Defendant's A.K.A.	Defendant's Vehicle Identification Plate Number _____ State _____		Defendant's Driver's License Number State _____	
Complaint/Incident Number L209754	Complaint/Incident Number if other Participants			UCR/NIBRS Code

District Attorney's Office  Approved  Disapproved because:

(The district attorney may require that the complaint, arrest warrant affidavit, or both be approved by the attorney for the Commonwealth prior to filing. Pa.R.Cr.P. 107)

(Name of Attorney for Commonwealth - Please Print or Type)

(Signature of Attorney for Commonwealth)

(Date)

I, OFFICER BRIAN HORST

489

(Name of Affiant - Please Print or Type)

(Officer Badge Number/I.D.)

of WILKES-BARRE POLICE DEPARTMENT

(Identify Department or Agency Represented and Political Subdivision)

(Police Agency ORI Number)

(Originating Agency Case Number (OCA))

do hereby state: (check appropriate box)

1.  I accuse the above named defendant, who lives at the address set forth above I accuse the defendant whose name is unknown to me but who is described as \_\_\_\_\_ I accuse the defendant whose name and popular designation or nickname is unknown to me and whom I have therefore designated as John Doe

with violating the penal laws of the Commonwealth of Pennsylvania at WYSOCKI'S 41 SOUTH MAIN STREET

(Place - Political Subdivision)

WILKES BARRE, PA

in LUZERNE

County on or about 12/20/97 at approx. 22

Participants were: (if there were participants, place their names here, repeating the name of above defendant)  
dennis p. Bass

2. The acts committed by the accused were:

(Set forth a summary of the facts sufficient to advise the defendant of the nature of the offense charged. A citation to the statute allegedly violated, without more, is not sufficient. In a summary case, you must cite the specific section and subsection of the statute or ordinance allegedly violated.)

That the said defendant violated Section 3502 a of the Pa. Crimes Code: BURGL when he did enter a building with the intent to commit a crime therein, to wit theft. Defendant entered Wysocki's, which was not open to the public. F-2

That the said defendant violated Section 3921 a of the Pa. Crimes Code: THEFT BY UNLAWFUL TAKING OR DISPOSITION, when the defendant did unlawfully take and exercise unlawful control over movable property of another with the intent to deprive him thereof, to wit, 1 pair Asics GT-2020 Sneakers Size 13, 1 pair New Balance Sneakers, Size 13, and 1 pair Lotto Concept and Form Sneakers, Size 13

Approximate value \$250.00 M-1

POLICE  
CRIMINAL COMPLAINT

COMMONWEALTH OF PENNSYLVANIA

VS.

DEFENDANT:

BASS, DENNIS P.

NAME and ADDRESS

283 WYOMING ST.

WILKES-BARRE PA. 18702

(CONTINUATION OF NO. 2)

Defendant's Name: Dennis P. BASS

Docket Number:



**POLICE  
CRIMINAL COMPLAINT**

That the said defendant violated Section 3304 a-2, CRIMINAL MISCHIEF - Summary when he intentionally and recklessly tampers with tangible property of another as to endanger person or property, to wit, defendant damaged the front door to Wysocki's,, which was closed for business and locked.

That the said defendant violated Section 602, a of the Pa. Dog Law, when the defendant did willfully and maliciously kicked and struck Zees who is used by the Wilkes-Barre Police Department as a K-9 Dog. M-2

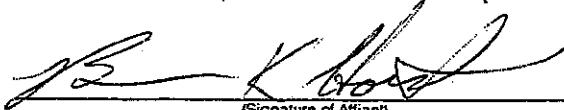
That the said defendant violated Section 5104 of the Pa. Crimes Code: RESISTING ARREST OR OTHER LAW ENFORCEMENT. when the said defendant with the intent to prevent a public servant from effecting a lawful arrest or discharging any other duty, the defendant created a substantial risk of bodily injury to the Officers to ~~which~~ which the Officers had to employ means to overcome the resistance. M-2

all of which were against the peace and dignity of the Commonwealth of Pennsylvania and contrary to the Act of Assembly, or in violation of

1.	<u>3502</u> (Section)	<u>a</u> (Subsection)	of the <u>Pa. Crimes Code</u>	<u>1</u> (PA Statute)	<u>1</u> (counts)
2.	<u>5104</u> (Section)	<u>a</u> (Subsection)	<u>Pa. Crimes Code</u>	<u>1</u> (PA Statute)	<u>1</u> (counts)
2.	<u>3921</u> (Section)	<u>a</u> (Subsection)	of the <u>Pa. Crimes Code</u>	<u>1</u> (PA Statute)	<u>1</u> (counts)
3.	<u>3304</u> (Section)	<u>a-2</u> (Subsection)	of the <u>Pa. Crimes Code</u>	<u>1</u> (PA Statute)	<u>1</u> (counts)
4.	<u>602</u> (Section)	<u>a</u> (Subsection)	of the <u>Pa. Dog Law</u>	<u>1</u> (PA Statute)	<u>1</u> (counts)

- I ask that a warrant of arrest or a summons be issued and that the defendant be required to answer the charges I have made. (In order for a warrant of arrest to issue, the attached affidavit of probable cause must be completed and sworn to before the issuing authority.)
- I verify that the facts set forth in this complaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 PA. C.S. § 4904) relating to unsworn falsification to authorities.

December 24, 1997

  
(Signature of Affiant)

AND NOW, on this date 31 Dec, 1997, I certify that the complaint has been properly completed and verified. An affidavit of probable cause must be completed in order for a warrant to issue.

11-3-01

(Magisterial District)

  
(Issuing Authority)

## CRIMINAL COMPLAINT

Defendant's Name: Dennis P. BASS

Docket Number:



## AFFIDAVIT of PROBABLE CAUSE

On 20 December 1997 at 2259 hours, Officer Horst was travelling north on South Main Street. He was stopped at the red light at S. Main and E. Northampton when he heard an alarm sounding. As Officer Horst pulled up to the curb at the Midtown Village he observed two males walking quickly through the Midtown Village. One of the males turned and came over to Officer Horst's vehicle and said he saw a white male with a dark jacket, jeans and a cowboy hat leave Wysocki's carrying something. I drove through Midtown Village to S. Franklin Street where Officer Horst observed a person matching the description walking north on the west side of the Street. One of the witnesses approached Officer Horst and said that was him. Officer Horst drove past the male who was wearing jeans, jean jacket and a cowboy hat and carrying three pairs of sneakers, 2 boxed and one pair loose. As Officer Horst exited his vehicle with his k-9 partner he told the defendant to stop because he wanted to talk to him. The defendant refused and kept walking. Officer Horst approached the defendant and told him to stop and laydown on the ground or he would release his dog Zeus. The defendant refused, he was ordered several times by Officer Horst and Riemensnyder to lie down on the ground. The defendant raised his arm with clenched fist and lunged in Officer Horst's direction. Officer Horst stepped backwards and released his dog. Zeus and Officer Horst wrestled the defendant to the ground. Other Officers arrived at the scene and the defendant continued to resist. The defendant was sprayed with pepper spray and continued to resist and fight with Officers. The defendant was finally subdued and handcuffed by Officers using force necessary to subdue the defendant. The defendant had in his possession at the time he was stopped 1 pair of Lotto Guillit Pro Sneakers Size 13, in box, 1 paid new Balance Sneakers size 13 in box, 1 pair Asics GT-2020 Sneakers not in box. The box for the Asics was found in the store and was ripped open. The front door of the business was damaged when it was forcibly opened.

During the stop of the defendant when K-9 Zeus was released, the defendant punched Zeus several times in the head and repeatedly kicked him. There are apparent injuries at this time. Defendant was transported to Wilkes-Barre General Hospital where he refused to be treated after being sprayed with pepper spray.

I, Officer Brian Horst, BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE FOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

(Signature of Affiant)

Sworn to me and subscribed before me this 21 day of Dec, 1997.

12/21/97 Date

Mary, District Justice

My commission expires first Monday of January, 1998

SEAL

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: LUZERNE

Mag. Dist. No.:

11-1-01

DJ Name: Hon.

**MICHAEL J. COLLINS**  
Address: **106 SOUTH MAIN STREET**  
**WILKES BARRE, PA**

Telephone: (717) 825-7373 18701-1612

**CLERK OF COURTS**  
**LUZERNE COUNTY COURTHOUSE**  
**WILKES-BARRE, PA 18711**

**WAIVER OF  
PRELIMINARY HEARING**

COMMONWEALTH OF  
PENNSYLVANIA

VS.

NAME and ADDRESS

DEFENDANT:  
**BASS, DENNIS P**  
**283 WYOMING STREET**  
**WILKES BARRE, PA 18702-5**

Docket No.: **CR-0000515-97**  
Date Filed: **12/21/97**  
OTN: **E 912928-2**



I, the undersigned, certify that I waive my right to a preliminary hearing. I understand that I have a right to this hearing, at which time I have the right to:

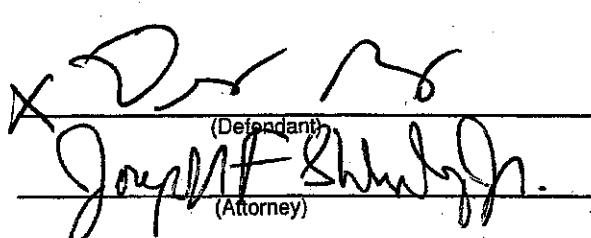
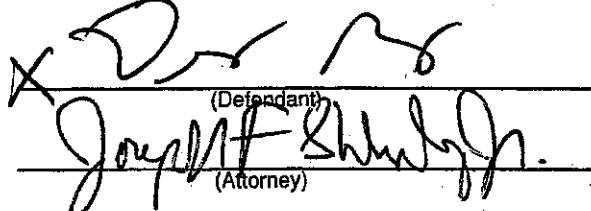
1. be represented by counsel,
2. cross-examine witnesses,
3. inspect physical evidence offered against me,
4. call witnesses on my own behalf, offer evidence on my own behalf, and testify,
5. make written notes of the proceedings or have my own counsel do so, and make a stenographic, mechanical, or electronic record of the proceedings.

I understand that if a prima facie case of guilt is not established against me at this hearing, the charges against me would be dismissed.

I have had a preliminary arraignment during which I was advised of my right to have a preliminary hearing and of my right to counsel.

I knowingly, voluntarily, and intelligently make this waiver of my preliminary hearing.

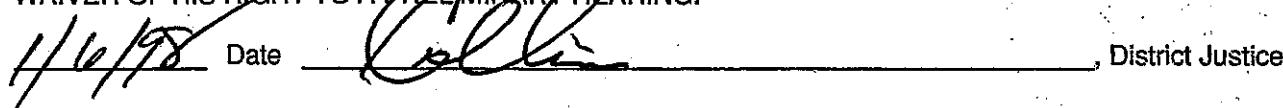
Signed this 60 day of January, 1998

  
(Defendant)  
  
  
(Attorney)

Attorney for Defendant (if any)

**JOSEPH SKLAROSKY, ESQ.,**  
**NORTH RIVER ST**  
**LUZ. COUNTY COURTHOUSE**  
**WILKES-BARRE, PA 18711**

I HAVE DETERMINED THAT THE DEFENDANT HAS MADE A KNOWING, VOLUNTARY, AND INTELLIGENT  
WAIVER OF HIS RIGHT TO A PRELIMINARY HEARING.

  
Date 1/16/98 District Justice Collins

My commission expires first Monday of January, 2000.

**SEAL**

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: LUZERNE

Mag. Dist. No.:

11-1-01

DJ Name: Hon.

**MICHAEL J. COLLINS**  
Address: 106 SOUTH MAIN STREET  
WILKES BARRE, PA

Telephone: (717) 825-7373 18701-1612

DIST ATTNY

# WAIVER OF PRELIMINARY HEARING

COMMONWEALTH OF

PENNSYLVANIA

VS.

NAME and ADDRESS

**BASS, DENNIS P**  
283 WYOMING STREET  
WILKES BARRE, PA 18702-5

Docket No.: CR-0000515-97  
Date Filed: 12/21/97  
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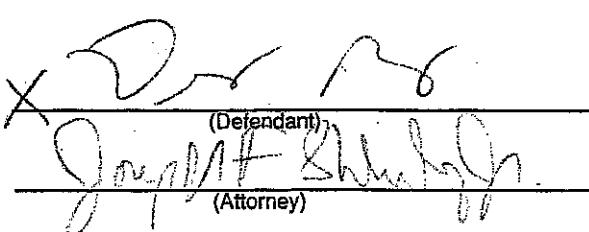
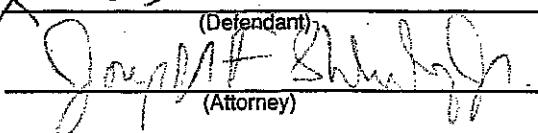
1. be represented by counsel,
2. cross-examine witnesses,
3. inspect physical evidence offered against me,
4. call witnesses on my own behalf, offer evidence on my own behalf, and testify,
5. make written notes of the proceedings or have my own counsel do so, and make a stenographic, mechanical, or electronic record of the proceedings.

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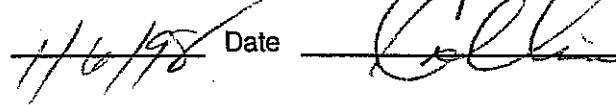
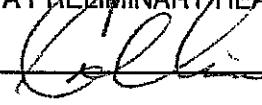
Signed this 6<sup>th</sup> day of January, 1998

  
(Defendant)  
  
(Attorney)

Attorney for Defendant (if any)

**JOSEPH SKLAROSKY, ESQ.,**  
NORTH RIVER ST  
LUZ. COUNTY COURTHOUSE  
WILKES-BARRE, PA 18711

I HAVE DETERMINED THAT THE DEFENDANT HAS MADE A KNOWING, VOLUNTARY, AND INTELLIGENT  
WAIVER OF HIS RIGHT TO A PRELIMINARY HEARING.

  
Date 1/6/98,   
, District Justice

My commission expires first Monday of January, 2000.

SEAL



Report Date: 1/06/98

System Date: 1/06/98

Report Id: CSS25R

## CURRENT BAIL INFORMATION



Time: 4:47

Mag. Dist. No.: 11-1-01

Docket Number: CR-0000515-97

Defendant Name: BASS, DENNIS P

Last Bail Action: SET Date: 12/21/97 Time: 11:15AM

Current Set Amount: \$ 50,000.00 Date: 12/21/97

Common Pleas Court Order Number: \_\_\_\_\_

Event Type: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Release Type 1: MONETARY BAIL Release Type 2: \_\_\_\_\_

Monetary Release Type: STRAIGHT BAIL

Bail Bond Signed: NO Date: \_\_\_\_\_ Time: \_\_\_\_\_

SURETY TYPE	SURETY NAME AND ADDRESS	SECURITY TYPE	POSTED AMOUNT	PAID IN AMOUNT

LAST SURETY TYPE	LAST RECEIPT NUMBER	LAST RECEIPT DATE	LAST RECEIPT AMOUNT	LAST SURETY TYPE	LAST REFUND DATE	LAST REFUND CHECK NUMBER

Nominal/Unsecured Surety: \_\_\_\_\_

Release Conditions in Addition to Bail Bond Conditions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Domestic Violence Conditions Imposed? NO

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Bail Forfeiture Amount: \$ \_\_\_\_\_ Date of Execution of Forfeiture: \_\_\_\_\_

Bail Forfeiture Set Aside Amount: \$ \_\_\_\_\_

Reason for Last Bail Action of: \_\_\_\_\_

Report Date: 1/06/98

System Date: 1/06/98

Report Id: **CSS25R**

## CURRENT BAIL INFORMATION



Time: 4:47

Mag. Dist. No.: 11-1-01

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Current Set Amount: \$ 50,000.00 Date: 12/21/97

Common Pleas Court Order Number: \_\_\_\_\_

Event Type: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Release Type 1: MONETARY BAIL      Release Type 2: \_\_\_\_\_

Monetary Release Type: Straight Bail

Bail Bond Signed: NO Date: \_\_\_\_\_ Time: \_\_\_\_\_

SURETY TYPE	SURETY NAME AND ADDRESS	SECURITY TYPE	POSTED AMOUNT	PAID IN AMOUNT

LAST SURETY TYPE	LAST RECEIPT NUMBER	LAST RECEIPT DATE	LAST RECEIPT AMOUNT	LAST SURETY TYPE	LAST REFUND DATE	LAST REFUND CHECK NUMBER

Nominal/Unsecured Surety: \_\_\_\_\_  
Release Conditions in Addition to Bail Bond Conditions:

Domestic Violence Conditions Imposed? NO

**Bail Forfeiture Amount:** \$ **Date of Execution of Forfeiture:**

Bail Forfeiture Set Aside Amount: \$

**Reason for Last Bail Action of:**

REPORT DATE: 1/06/98  
SYSTEM DATE: 1/06/98  
REPORT ID.: CSR44R

OTN: E 912928-2  
DOCKET NUMBER: CR-0000515-97  
DEFENDANT: BASS, DENNIS P.

DISTRICT JUSTICE SYSTEM  
BAIL HISTORY REPORT

PAGE 1  
TIME 16:47:53  
USER VMACARAV  
MAG DIST 11-1-01

DOCKET NUMBER: CR-0000515-97  
SET 12/21/97  
ACTION DATE 12/21/97  
ACTION TIME 11:15AM

DATE UPDATED 12/23/97  
BAIL SET AMOUNT \$50,000.00

RELEASE TYPES: MONETARY STRAIGHT BAIL

, Travis  
District AttorneyP. Tallman  
Court Stenographer, Harker  
Atty. for Defendant

No. 19503

COURT OF COMMON PLEAS - CRIMINAL DIVISION  
COUNTY OF LUZERNE  
THE COMMONWEALTH OF PENNSYLVANIA5 Dennis vs. Bass

1.

2.

3.

Indictments	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Transcripts	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Commitment Issued	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
CHARGE	<u>Burg, Theft, Res Arrest</u>					No.	131	199
PLEA	<u>Bail No. 4</u>		DISPOSITION			DATE	1-25-	

Pay Costs of Prosecution  Yes  No | Pre-Sentence Investigation Requested  Yes  NoModify Bail - w/ Pre-Trial  
Services CAR. O. R. - # 5,000.

- No all Publicly or Privately
- No Not Drink + Drive
- No all - Drugs + Paria or Do  
Not assoc w/ anyo
- No Contact w/ Victim

-Deft released pending at  
Detention

CLERK Dolores Beavant Cappellini, J.

CERTIFICATION OF BAIL  
AND DISCHARGE

POLICE CASE NO.

D. J. NO.

C.P. TERM &amp; NO. 131 of 98

DATE OF CHARGE(S)  
12-20-97

COMMONWEALTH VS. (Defendant Name and Address)

DENNIS BASS

401 W. MAPLE ST.

WILKES BARRE, PA.

 ROR (no surety) Nominal Bail Bail (total amount set, if any)

\$ 5,000

 Conditions of Release (aside from appearing at court when required):ALL CONDITIONS IMPOSED BY PRE-TRIAL  
SERVICES

NO CONTACT WITH VICTIM

(attach addendum, if necessary)

CHARGE(S):

BURGLARY, THEFT,  
CRIMINAL MISCHIEF  
RESISTING ARREST

## SECURITY OR SURETY (IF ANY)

Surety Company  
 Professional Bondsman  
 Realty  
 Other

## JUDGE OR ISSUING AUTHORITY

## APPEARANCE OR BAIL BOND

THIS BOND IS VALID FOR THE ENTIRE PROCEEDINGS  
 AND UNTIL FULL AND FINAL DISPOSITION OF THE CASE  
 INCLUDING FINAL DISPOSITION OF ANY PETITION FOR  
 WRIT OF CERTIORARI OR APPEAL TIMELY FILED IN THE  
 SUPREME COURT OF THE UNITED STATES:

## NEXT COURT ACTION

DATE AND TIME

LOCATION

TO:  Detention Center  Other

I hereby certify that sufficient bail has been entered

 By the defendant  On behalf of the defendant by:

(Name &amp; Address of Surety)

(License No.)

- Refund of cash bail will be made within 20 days after final disposition. (Pa.R.Cr.P. 4015(b))
- Refund of all other types of bail will be made promptly after 20 days following final disposition. (Pa.R.Cr.P. 4015(a))
- Bring Cash Bail Receipt to Clerk of Court.

DISCHARGE THE ABOVE-NAMED DEFENDANT FROM CUSTODY IF  
 DETAINED FOR NO OTHER CAUSE THAN THE ABOVE STATED.

Given under my hand and the Official Seal of this Court,

this 22 day of JANUARY, 1998Cassie DeLeon (SEAL)  
(Clerk of Court or Issuing Authority)

WE, THE UNDERSIGNED, defendant and surety, our successors, heirs and assigns, are jointly and severally bound to pay to the Commonwealth of Pennsylvania the sum of \_\_\_\_\_ dollars (\$ \_\_\_\_\_).

## SEE REVERSE SIDE FOR BAIL CONDITIONS

(Applicable Only When Surety Is A Corporation)

## CERTIFICATION OF COUNTER INDEMNITY AND PREMIUM

, Principal, and

, Surety

hereby certify that the amount paid by said Principal to said Surety for bail in the above matter is \$ \_\_\_\_\_  
 and that no further sum or sums is to be paid therefore by the said Principal or anyone on his behalf.We further certify that said Principal has given to said Surety counter indemnity consisting of \_\_\_\_\_  
 of the value of \$ \_\_\_\_\_ and no further counter indemnity is to be given by the said Surety except  
 as follows:

We further certify that there are no judgments against the said corporate surety outstanding and unpaid for a period of more than thirty days from the date of entry of such judgment except those in which a petition to open or vacate the judgment has been filed and remains undisposed of:

Dated: Jan 22 98

(SEA)

(Principal)

(SEA)

(Surety)

D M  
X  
SIGNATURE OF DEFENDANT

(SEA)

Signature of Surety (May be Bondsman, Bail Agency, or private individual or organization). Except when defendant is released on his own recognizance (ROR), this must be signed in all bail situations, including nominal bail.

I ACKNOWLEDGE THAT I AM LEGALLY RESPONSIBLE FOR  
 THE FULL AMOUNT OF THE BAIL.The following acknowledgement is also applicable  
 if Percentage Cash Bail is used.THIS BOND SIGNED ON Jan 22 98  
 at Wilkes-Barre PENNSYLVANIA.Signed and acknowledged before me this  
22 day of Jan, 1998Cassie DeLeon  
(Clerk of Court or Issuing Authority)

ADDRESS OF SURETY, SURETY COMPANY OR DEFENDANT

Surety No. or Professional Bondsman License No. &amp; Expiration Date

• In case of corporate surety bail, Power of Attorney must be filed

• In case of Percentage Cash Bail or Nominal Bail, Power of Attorney must be filed

• In case of corporate surety bail, Power of Attorney must be filed

IN THE COURT OF COMMON PLEAS OF THE COUNTY OF LUZERNE  
**INFORMATION**

/3

APPROVED MAR 23 1999

COMMONWEALTH OF PENNSYLVANIA

vs.

Criminal Action No. 131 of 1998

DENNIS P. BASS

THE DISTRICT ATTORNEY OF THE COUNTY OF LUZERNE by this information charges that DENNIS P. BASS on or about the 20th day of December, 1997, in said County,

(1) did without license or privilege, enter a building or occupied structure, or separately secured or occupied portion thereof, at Wysocki's, 41 South Main Street, Wilkes-Barre, with intent to commit a crime therein; said premises not being open to the public at the time.

**BURGLARY, 18 Pa. C.S.A. § 3502 (a)**

(2) AND THE DISTRICT ATTORNEY OF THE COUNTY OF LUZERNE further charges that DENNIS P. BASS on the day and year aforesaid, in said County, with the intent of preventing Brian Horst, public servant, from effecting a lawful arrest or discharging another duty, did create a substantial risk of bodily injury to the said public servants and/or did employ means justifying or requiring substantial force to overcome the resistance by engaging in violent or tumultuous behavior toward the said public servant, Brian Horst, Wilkes-Barre Police Department.

**RESISTING ARREST OR OTHER LAW ENFORCEMENT, 18 Pa. C.S.A. § 5104**

(3) AND THE DISTRICT ATTORNEY OF THE COUNTY OF LUZERNE further charges that DENNIS P. BASS on the day and year aforesaid, in said County, did unlawfully take or exercise unlawful control over three pair of sneakers, of a total value of \$250.00, the property of Wysocki's, 41 South Main Street, Wilkes-Barre, with intent to deprive it thereof.

**THEFT BY UNLAWFUL TAKING OR DISPOSITION, 18 Pa. C.S.A. § 3921 (a)**

**Summary Offense:**

Criminal Mischief, 18 Pa. C.S.A. § 3304 (a)(2)

All of which is against the Act of Assembly and the peace and dignity of the Commonwealth of Pennsylvania.

APR 03 1998

Now, \_\_\_\_\_, 19\_\_\_\_\_, the  
Defendant pleads

NOT guilty.

ATTORNEY FOR THE COMMONWEALTH

X

**Defendant**

~~Attn:~~ Attn: for Defendant

/Brian Horst

Affiant

Police Dept., Wilkes-Barre

**Address**

COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON PLEAS  
VS. 98 APR - 3 AM 11:55 : OF LUZERNE COUNTY - CRIMINAL  
DENNIS BASS : NO(S). 131 OF 98

**NOTICE OF CHANGE OF ADDRESS**

DENNIS BASS do hereby by provides the Public Defender's Office with the following information.

1. Last mailing address was R. 51 W. MAPLE ST. W-B, PA. 18702.
2. Last place of residence was Same
3. Current maining address is 613 N. FRANKLIN ST. W-B, PA. 18702.
4. Current place of residence is SAME
5. Current phone number is NONE.
6. Copies of this notice has been sent to:
  - A. Clerk of Courts  [ X ]
  - B. Bondsman  [ ]
  - C. District Attorney's Office  [ X ]

DATE: APRIL 3, 1998

BY: Regina M. Seacrist  
OFFICE OF THE PUBLIC DEFENDER'S

(4)

(X)

LPC

COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON PLEAS  
VS. : OF LUZERNE COUNTY - CRIMINAL  
DENNIS BASS : NO. 131 OF 98

REQUEST FOR DISCOVERY

The above-named Defendant, by and through counsel, the Public Defender's Office of Luzerne County, in compliance with the informal request provision for pre-trial discovery and inspection, Pa.R.C.P. 305(A), hereby makes demand for the following information and material, Rules 305(B)(1)(a-g) and 305(B)(2)(a-d) :

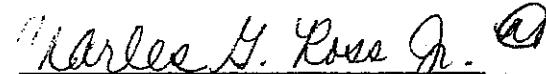
- a. Any evidence favorable to the accused which is material either to guilt or to punishment, and which is within the possession of the Attorney for the Commonwealth;
- b. Any written confession or inculpatory statement, or the substance of any oral confession or inculpatory statement and the identity of the person to whom the confession or inculpatory statement was made, which is in the possession or control of the Attorney for the Commonwealth;
- c. The Defendant's prior criminal record;
- d. The circumstances and results of any identification of the Defendant by voice, photograph, or in-person identification;
- e. Results or reports of scientific tests, expert opinions, and written or recorded reports of polygraph examinations or other physical or mental examination of the Defendant, which are within the possession or control of the

Attorney for the Commonwealth;

- f. Any tangible objects, including documents, photographs, fingerprints, or other tangible evidence;
- g. The transcripts and recordings of any electronic surveillance and the authority by which the said transcripts and recordings were obtained;
- h. The names and addresses of eye witnesses;
- i. All written or recorded statements and substantially verbatim oral statements made by co-defendants, co-conspirators or accomplices, whether such individuals have been charged or not;
- j. All written or recorded statements and substantially verbatim oral statements of eye witnesses to the alleged crime which the Commonwealth intends to call at trial.
- k. All State Police reports and lab results.
- l. All copies of prior records.

WHEREFORE, the Defendant requests the said discovery.

Respectfully submitted,

  
CHARLES G. ROSS JR., ESQUIRE  
Assistant Public Defender  
Counsel for Defendant

Served on the District Attorney's Office on the 18TH day of NOVEMBER, 1998.

F. Kelly  
District AttorneyR.O. Hearn  
Court StenographerU. P. P.  
Atty. for Defendant

**No. 30215 COURT OF COMMON PLEAS - CRIMINAL DIVISION  
COUNTY OF LUZERNE  
THE COMMONWEALTH OF PENNSYLVANIA**

vs.

1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. \_\_\_\_\_

*Dennis Bass*

Indictments	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Transcripts	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Commitment Issued	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
CHARGE						No.	131	19 98	
PLEA	Jury Trial					DISPOSITION	DATE 12-1-98		
Pay Costs of Prosecution	<input type="checkbox"/> Yes		<input type="checkbox"/> No		Pre-Sentence Investigation Requested			<input type="checkbox"/> Yes	<input type="checkbox"/> No

#131198

Ct 1 Burglary - guilty  
 Ct 2 Resist an other law enforcement - guilty  
 Ct 3 Theft by Unlaw taking or disp - guilty

Sent Fri Jan. 8, 1999.

P.S. I.G. Wed Jan 6, 1999.

Sum.

Criminal Misch - Merged w/cts 1-2-3.

Bail Cont Pending Sent

CLERK

S Kelly

⑥ *Toole, Jr.*

JUD

COMMONWEALTH OF PENNSYLVANIA

VS.

Dennis BassIN THE COURT OF COMMON PLEAS  
OF LUZERNE COUNTY  
CRIMINAL

NO. 131

OF 19

## INFORMATION

COUNT 1 BurglaryCOUNT 2 Resisting ArrestCOUNT 3 Steal

COUNT 4

COUNT 5

COUNT 6

COUNT 7

COUNT 8

## VERDICT

AND NOW, DEC 41, 1998, WE, THE JURY EMpaneled  
IN THE ABOVE CASE FIND THE DEFENDANTGuilty

(GUILTY OR NOT GUILTY)

OF COUNT 1

Guilty

(GUILTY OR NOT GUILTY)

OF COUNT 2

Guilty

(GUILTY OR NOT GUILTY)

OF COUNT 3

Guilty

(GUILTY OR NOT GUILTY)

OF COUNT 4

Guilty

(GUILTY OR NOT GUILTY)

OF COUNT 5

Guilty

(GUILTY OR NOT GUILTY)

OF COUNT 6

Guilty

(GUILTY OR NOT GUILTY)

OF COUNT 7

Guilty

(GUILTY OR NOT GUILTY)

OF COUNT 8

Value of Property # 250,00 J. J. M.Robert M. Gravas

COOPERSON

Court of Common Pleas of Luzerne County  
Criminal Judge Tolle

COMMONWEALTH

vs.

Dennis Bass

Defendant.

Prosecutor.

No. 131 98  
Crime Burg. Resisting Staff 19  
on 1 day of Dec 19 98  
Tried before Hon. P. Tolle  
Appearance for Commonwealth J. Vullo  
" " Defendant C Rose P.D.

JURORS SWEORN

		Commonwealth	Defendant	Challenge
1	WARREN SMITH 165			
2	JUDITH MATTHEWS 104			
3	DAVID KIRBY 99	1		
4	MICHAEL MIESZKOWSKI 117	2		
5	ROBERT OPACHINSKI 122			
6	FRED DYMOND III 206	3		
7	TAMMY RUGER 148			
8	MARGARET FISCHER 208			
9	WILLIAM HASTHAGEN 57	1		
10	JANN KRUSHKA 88			
11	JILL TRIVELPIECE 181			
12	DAVID SAWICKI 152	4		
13	GEORGE SMITH 163			
14	ANNE CORNELL 28	4		
15	EVELYN GROFF 54			
16	ANNA BOLTZ 14	5		
17	JOHN CRIMES II 53	2		
18	PAUL TALIGA 174			
19	STEPHEN CRANE 30	3		
20	TERRANCE MORAN 114	5		

		Commonwealth	Defendant	Challenge
21	ANN HANKEY 212			7
22	ROBERT EVANS 40			
23	GLADYS READER 140			6
24	EDWARD FARRELL 112			
25	MARY STOUT 172	6		
26	FRANCES WEAVER 186			
27	JESSIE MEYER 108			
28	DEBORAH PICARD 132			
29	LINDA BENSON 9			
30	RICHARD MIESZKOWSKI 110			
31	MARY ELLEN OLERICO 177			
32	SUSAN TRAPANE 180			
33	JEAN PAULSHOCK 129			
34	BRIAN CHAMBERLAIN 22			
35	ANTHONY BADAMO 6			
36				
37				
38				
39				
40				

2:12

Court of Common Pleas of Luzerne County  
Criminal

COMMONWEALTH

vs.

Dennis Baer

Defendant.

Prosecutor.

No. 131

19 98

Crime Burg. Residential Dwelling

on 1st day of Dec 19 98

Tried before Hon. G. Janke

Appearance for Commonwealth J. Valls

" " Defendant

C. Rose P.D.

	Commonwealth Defendant	Challenge
1	WARREN Smith 165	
2	JUDITH MATTHEWS 104	
3	George Smith 163	
4	EVELYN GROFF 54	
5	ROBERT OPACHINSKI 122	
6	PAUL TALIGA 174	
7	TAMMY RUGER 148	
8	MARGARET FISCHER 208	
9	ROBERT EVANS 40	
10	JANN KRUSHKA 88	
11	JILL TRIVELPIECE 181	
12	EDWARD FARRELL 42	
1A	LINDA BENSON 9	
2A	MARY ELLYN TOLERICO 177	
15		
16		
17		
18		
19		
20		

JURORS

SWORN

K. O'Hearn

Stenographer

J. Rose

Cler

M. O'Leary  
District AttorneyK. O'Hearn  
Court StenographerC. Rose  
Atty. for Defendant  
PD's

## No. 30743 COURT OF COMMON PLEAS - CRIMINAL DIVISION

COUNTY OF LUZERNE  
THE COMMONWEALTH OF PENNSYLVANIA

10

vs.

Dennis Bass

516 Stanley  
Upper Askan  
Hanover, PA  
18702

1. \_\_\_\_\_  
 2. \_\_\_\_\_  
 3. \_\_\_\_\_

Indictments	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Transcripts	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Commitment Issued	<input type="checkbox"/> Yes	<input type="checkbox"/> No
CHARGE	Burglary; Resist arrest; Theft by Unlawful Taking					No. 131	19	98
PLEA			DISPOSITION			DATE	1-8-99	
Pay Costs of Prosecution	<input type="checkbox"/> Yes	<input type="checkbox"/> No				Pre-Sentence Investigation Requested	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Sentencing:

131-98 - Burglary - Min 24 mos - Max 48 mos

S. C. I.

Resist arrest - Min 6 mos - Max 12 mos  
Concurrent to Burglary

Theft - requires no sentence.

- Deft remanded for Classification - 1-15-99

Bail pending appeal is denied by the Court.

Mental Health evaluation - treat

Pay all court costs

No contact w/victim or establishment

Restitution - \$165.00 w/i 12 mos of release

Crim. Misch - merges for sentencing purpose.

Deft advised of all rights

CLERK

Molly Sheridan

(7)

Judge Josle

JU

PENNSYLVANIA COMMISSION ON SENTENCING  
GUIDELINE SENTENCE FORM [5th Edition, 6/13/97]

Commission Form ID Number

148390

Identification	Offender's Name (Last, First, Middle) <b>BASS Dennis Patrick</b>			Date of Birth <b>1-18-62</b>	Sex <input checked="" type="checkbox"/> Male	Form <b>2 of 3</b>	
	State ID Number		Police Photo ID Number	Social Security Number <b>112-54-8736</b>	Race <input checked="" type="checkbox"/> White	<input type="checkbox"/> Hispanic	<input type="checkbox"/> Am. Indian
	Judge's Name <b>Honorable Patrick J. Toole Jr.</b>		County <b>Luzerne</b>	Person Completing Form <b>J. Steve Jr.</b>	<input type="checkbox"/> Black	<input type="checkbox"/> Asian	<input type="checkbox"/> Other
					Date of Sentence <b>1-8-99</b>		
<input checked="" type="checkbox"/> Check box if same Prior Record Score information is found on another form from this judicial proceeding. Do not enter information again; give Commission Form ID # from other form: <b>148389</b>				Offense Name/Description <b>Resisting Arrest</b>			Date of Offense <b>12-21-97</b>
Prior Record	Juvenile Adjudication		Adult Conviction	Title & Section <b>18s 5108</b>		Docket # <b>131-98</b>	Count # <b>2</b>
				Grade <b>M2</b>	OGS <b>2</b>	PRS <b>RFEL</b>	OTN <b>E912928-2</b>
				GUIDELINE RANGES <b>3</b> Mitigated <b>6-12</b> Standard <b>15</b> Aggravated <b>1</b> LEVEL			
				Mandatory minimum, if applicable:			
				MANDATORY		ENHANCEMENT <input checked="" type="checkbox"/> None	
				<input checked="" type="checkbox"/> None		<input type="checkbox"/> Deadly Weapon/Possessed	
				<input type="checkbox"/> Drugs to Minors (18-6314)		<input type="checkbox"/> Deadly Weapon/Used	
				<input type="checkbox"/> Drug Trafficking (18-7508)		Weapon: Type: _____	
				<input type="checkbox"/> Visible Firearm (42-9712)		<input type="checkbox"/> Youth/Drug Distribution	
				<input type="checkbox"/> Two/Three Strikes (42-9714)		<input type="checkbox"/> School/Drug Distribution	
			<input type="checkbox"/> Elderly (42-9717)		Yes    No	OTHER INFORMATION	
			<input type="checkbox"/> Children (42-9718)		<input type="checkbox"/> <input type="checkbox"/> Drug Dependent		
			<input type="checkbox"/> DUI (75-3731) (below):		<input type="checkbox"/> <input type="checkbox"/> IP Eligible		
			<input type="checkbox"/> 1st _____ 3rd _____		<input type="checkbox"/> <input type="checkbox"/> Boot Camp Eligible		
			<input type="checkbox"/> 2nd _____ 4th+ _____		<input checked="" type="checkbox"/> <input type="checkbox"/> PSI Completed		
			<input type="checkbox"/> Other _____		<input type="checkbox"/> <input checked="" type="checkbox"/> D&A Eval. Completed		
					<input type="checkbox"/> <input type="checkbox"/> Sexually Viol. Predator		
CONFINEMENT/INTERMEDIATE PUNISHMENT							
<input type="checkbox"/> Confinement/State Facility				Boot Camp Authorized		<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Confinement/County Facility				Work Release Authorized		<input type="checkbox"/> Yes	<input type="checkbox"/> No
Minimum: <b>6</b>				[mos.]			
Maximum: <b>12</b>				[mos.]			
Credit for Time Served: _____				[days]			
<input type="checkbox"/> Intermediate Punishment				RIP Period: _____ [mos.]			
				Program(s): _____			
<input type="checkbox"/> RS Period: _____				Program(s): _____ [mos.]			
If DRUG DEPENDENT: is IP consistent with clinical recommendation? <input type="checkbox"/> Yes <input type="checkbox"/> No							
RESTORATIVE SANCTIONS							
<input type="checkbox"/> Probation Period: _____				[mos.]			
Condition(s): _____							
<input type="checkbox"/> Fines [Amt.] \$ _____							
<input type="checkbox"/> Restitution [Amt.] \$ _____							
<input type="checkbox"/> Costs [Amt.] \$ _____							
<input type="checkbox"/> Guilty without further penalty [NFP]							
GUIDELINE CONFORMITY				CONCURRENT/CONSECUTIVE			
<input checked="" type="checkbox"/> Standard				Departure		This sentence is:	
<input type="checkbox"/> Aggravated				<input type="checkbox"/> Below		<input checked="" type="checkbox"/> Concurrent to: <b>Burglary</b>	
<input type="checkbox"/> Mitigated				<input type="checkbox"/> Above		<input type="checkbox"/> Consecutive to: _____	
				<input type="checkbox"/> TOTALLY CONCURRENT			
Write reasons on back of form.							
PLEASE INDICATE THE CUMULATIVE SENTENCE IMPOSED DURING THE JUDICIAL PROCEEDING							
Minimum Confinement: <b>6</b>				[mos.]			
Maximum Confinement: <b>12</b>				[mos.]			
Other: _____				[mos.]			

## TYPE OF DISPOSITION

Neg. Guilty Plea     Bench Trial     Nolo Contendere  
 Non-Neg. Guilty Plea     Jury Trial     Other

## JUDGE'S SIGNATURE

DATE

*Sauve J. Toole Jr.* 1-21-98

**PENNSYLVANIA COMMISSION ON SENTENCING**  
**GUIDELINE SENTENCE FORM [5th Edition, 6/13/97]**

Commission Form ID Number

148391

Identification	Offender's Name (Last, First, Middle) <b>BASS Dennis Patrick</b>		Date of Birth <b>1-18-62</b>	Sex <input checked="" type="checkbox"/> Male	Form <b>3 of 3</b>
	State ID Number	Police Photo ID Number	Social Security Number <b>112-54-8736</b>	<input checked="" type="checkbox"/> White	<input type="checkbox"/> Hispanic
Judge's Name <b>Honorable Patrick J. Toole Jr.</b>	County <b>Luzerne</b>	Race <input checked="" type="checkbox"/> Black		<input type="checkbox"/> Asian	<input type="checkbox"/> Other
		Person Completing Form <b>J. Steve Jr.</b>		Date of Sentence <b>1-8-99</b>	

<input type="checkbox"/> Check box if same Prior Record Score information is found on another form from this judicial proceeding. Do not enter information again; give Commission Form ID # from other form: <b>148389</b>					
Prior Record	Juvenile Adjudication	Adult Conviction			
	Murder & Inchoates				
	Vol. Manslaughter				
	Rape				
	Kidnapping				
	I.D.S.I.				
	Arson (F-1/person)				
	Robbery (SBI)				
	Rob. Motor Veh (SBI)				
	Agg. Assault (SBI)				
	Drug Del. Death				
	Burglary (house/person)				
	Ethnic Intimidation to F1				
	Add # of offenses in each block & enter sum		+ <b>1</b>	x4= <b>4</b>	A
	Inchoate to 4 pt. off's				
Arson (F1/no person)					
Robbery (other F1)					
Robbery Motor Vehicle (no SBI)					
Agg. Assault (att. SBI)					
Burglary (other F1)					
Agg. Indecent Assault					
Sexual Assault					
Other Felony 1s					
Add # of offenses in each block & enter sum		+ <b>1</b>	x3= <b>3</b>	B	
Felony 2s		+ <b>1</b>	x2= <b>2</b>		
Fel. Drugs [>= 50gr.]		+ <b>1</b>	x3= <b>3</b>	C	
Other Felony drugs		+ <b>1</b>	x2= <b>2</b>		
Felony 3s					
M1 - Death					
M1 - Weapon					
M1 - Children					
M1 - DUI					
Add # of offenses in each block & enter sum		+ <b>1</b>	x1= <b>1</b>		
Other Misd.	<b>0-1=0</b>	<b>4-6=2</b>	<b>2-3=1</b>	<b>7+ =3</b>	
<b>PRIS = REVOC</b>					
<b>PRIS = RFEL</b>					
<b>PRIS = _____</b>					

**PRIOR RECORD SCORE:**

If A is 8 points or greater, and the OGS = 9 or more:

Otherwise, if A + B is 6 points or greater:

Otherwise, PRIS = A + B + C (maximum = 5):

Sentencing Information	Offense Name/Description <b>Theft By Unlawful Taking</b>		Date of Offense <b>12-21-97</b>		
	Title & Section <b>18 § 3921 (A)</b>		Docket # <b>131-98</b>		
	Grade <b>M1</b>	OGS <b>3</b>	PRS <b>RFEL</b>	OTN <b>E912928-2</b>	
	GUIDELINE RANGES <b>9</b> Mitigated <b>12-18</b> Standard <b>21</b> Aggravated <b>2</b> LEVEL <b>2</b>				
	Mandatory minimum, if applicable:				
	<b>MANDATORY</b> <input checked="" type="checkbox"/> None <input type="checkbox"/> Drugs to Minors (18-6314) <input type="checkbox"/> Drug Trafficking (18-7508) <input type="checkbox"/> Visible Firearm (42-9712) <input type="checkbox"/> Two/Three Strikes (42-9714) <input type="checkbox"/> Elderly (42-9717) <input type="checkbox"/> Children (42-9718) <input type="checkbox"/> DUI (75-3731) (below): <b>1st</b> <b>3rd</b> <b>2nd</b> <b>4th+</b> <input type="checkbox"/> Other _____		<b>ENHANCEMENT</b> <input checked="" type="checkbox"/> None <input type="checkbox"/> Deadly Weapon/Possessed <input type="checkbox"/> Deadly Weapon/Used Weapon Type: _____ <input type="checkbox"/> Youth/Drug Distribution <input type="checkbox"/> School/Drug Distribution		
			Yes <input type="checkbox"/>	No <input type="checkbox"/>	OTHER INFORMATION
			<input type="checkbox"/>	<input type="checkbox"/>	Drug Dependent
			<input type="checkbox"/>	<input type="checkbox"/>	IP Eligible
			<input type="checkbox"/>	<input type="checkbox"/>	Boot Camp Eligible
			<input checked="" type="checkbox"/>	<input type="checkbox"/>	PSI Completed
			<input type="checkbox"/>	<input checked="" type="checkbox"/>	D&A Eval. Completed
			<input type="checkbox"/>	<input type="checkbox"/>	Sexually Viol. Predator
	CONFINEMENT/INTERMEDIATE PUNISHMENT				
	<input type="checkbox"/> Confinement/State Facility <input type="checkbox"/> Confinement/County Facility		Boot Camp Authorized	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Minimum: _____		Work Release Authorized	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
Maximum: _____			[mos.]		
Credit for Time Served: _____			[mos.]		
<input type="checkbox"/> Intermediate Punishment RIP Period: _____ Program(s): _____			[days]		
RS Period: <b>Meigs w/ Meigs law</b> Program(s): _____			[mos.]		
If DRUG DEPENDENT: Is it consistent with clinical recommendation? <input type="checkbox"/> Yes <input type="checkbox"/> No					
RESTORATIVE SANCTIONS					
<input type="checkbox"/> Probation Period: _____ Condition(s): _____					
<input type="checkbox"/> Fines [Amt.] \$ _____ <input type="checkbox"/> Restitution [Amt.] \$ _____ <input type="checkbox"/> Costs [Amt.] \$ _____ <input type="checkbox"/> Guilty without further penalty [NFP]					
<b>GUIDELINE CONFORMITY</b> <input type="checkbox"/> Standard <input type="checkbox"/> Aggravated <input type="checkbox"/> Mitigated		Departure <input type="checkbox"/> Below <input type="checkbox"/> Above	<b>CONCURRENT/CONSECUTIVE</b> This sentence is: <input type="checkbox"/> Concurrent to: _____ <input type="checkbox"/> Consecutive to: _____ <input type="checkbox"/> TOTALLY CONCURRENT		
Write reasons on back of form.					

**TYPE OF DISPOSITION**

Neg. Guilty Plea  Bench Trial  Nolo Contendere  
 Non-Neg. Guilty Plea  Jury Trial  Other

**JUDGE'S SIGNATURE***Patrick J. Toole Jr. 1-21-99***PLEASE INDICATE THE CUMULATIVE SENTENCE IMPOSED DURING THE JUDICIAL PROCEEDING**

Minimum Confinement: \_\_\_\_\_ (mos.)

Maximum Confinement: \_\_\_\_\_ (mos.)

Other: *Requires no sentence* (mos.)

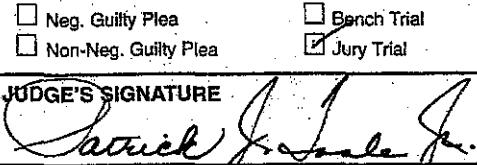
PENNSYLVANIA COMMISSION ON SENTENCING  
GUIDELINE SENTENCE FORM [5th Edition, 6/13/97]

Commission Form ID Number

148389

Identification	Offender's Name (Last, First, Middle) <b>BASS Dennis Patrick</b>	Date of Birth <b>1-18-62</b>	Sex <input checked="" type="checkbox"/> Male	Form <b>1 of 3</b>																				
	State ID Number	Police Photo ID Number	<input type="checkbox"/> Female	<input checked="" type="checkbox"/> White <input type="checkbox"/> Hispanic <input type="checkbox"/> Am. Indian <input type="checkbox"/> Black <input type="checkbox"/> Asian <input type="checkbox"/> Other																				
Judge's Name <b>Honorable Patrick J. Teale Jr.</b>	County <b>Luzerne</b>	Person Completing Form <b>J. Steve Jr.</b>		Date of Sentence <b>1-8-99</b>																				
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Prior Record	<table border="1"> <tr><td>Juvenile Adjudication</td><td>Adult Conviction</td></tr> <tr><td> </td><td> </td></tr> </table>		Juvenile Adjudication	Adult Conviction																			Offense Name/Description: <b>Burglary</b> Date of Offense <b>12-21-97</b> Title & Section <b>18§3502 (a)</b> Docket # <b>131-98</b> Count # <b>1</b> Grade <b>F2</b> OGS <b>5</b> PRS <b>RFEL</b> OTN <b>E912928-2</b>	
	Juvenile Adjudication	Adult Conviction																						
<table border="1"> <tr><td>GUIDELINE RANGES</td><td>Mitigated <b>21</b></td><td>Standard <b>24-36</b></td><td>Aggravated <b>39</b></td><td>LEVEL <b>2</b></td></tr> </table>					GUIDELINE RANGES	Mitigated <b>21</b>	Standard <b>24-36</b>	Aggravated <b>39</b>	LEVEL <b>2</b>															
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<b>PLEASE INDICATE THE CUMULATIVE SENTENCE IMPOSED DURING THE JUDICIAL PROCEEDING</b> Minimum Confinement: <b>24</b> (mos.) Maximum Confinement: <b>48</b> (mos.) Other: _____ (mos.)																								

## JUDGE'S SIGNATURE



DATE

1-21-99

COURT OF COMMON PLEAS OF LUZERNE COUNTY - CRIMINAL DIVISION  
PRE-SENTENCE REPORT

Date: January 6, 1999

Prepared by: Joseph Steve, Jr.

51 Carpenter St  
Harrington  
820-7739

NAME: Dennis P. Bass AGE: 36 BIRTHDATE: 01/18/62 RACE: White  
 ALIAS: None CITIZENSHIP: United States  
 ARREST ADDRESS: South Franklin Street MARITAL STATUS: Married  
Wilkes-Barre, PA SPOUSE/PARAMOUR: Christine Bass  
 LEGAL RESIDENCE: 51 Carpenter Lane DEPENDENTS: Two Stepsons  
Wilkes Barre, PA Ages - 3 and 16  
 EDUCATION: G.E.D. MILITARY SERVICE: None  
 SOCIAL SECURITY: 112-54-8736 FBI #: 366352V8 R&I #: VA624496  
 FL02283305  
 NY4448545R

## CRIMINAL INFORMATION # AND PENALTY: #131 of 1998

1-8-99 - Standard range  
 sentence date → Burg - S.C.I. 24 to 48 mos. M.H. eval. / Treatment  
 See Page 1A R. A. - 6 to 12m. concurrent make restitution w/i 12 mos.  
 Theft merges no contact w/ victim

DISPOSITION: Cff. 1-15-99 - 10 AM

JUDGE: Honorable Patrick J. Toole Jr. PLEAD DATE: Found guilty by jury  
on 12/01/98.

DEFENSE ATTORNEY: C. Ross (P.D.) DISTRICT ATTORNEY: J. Vullo

CONFINEMENT PRIOR TO SENTENCE: Lodged at the Luzerne County Correctional Facility on  
2/20/97. Released on 01/22/98 (ROR)

DETAINERS OR PENDING CHARGES: None known.

CO-DEFENDANT'S) DISPOSITION: None

COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON PLEAS  
VS. : OF LUZERNE COUNTY - CRIMINAL  
DENNIS BASS : NO. 131 OF 98

**NOTICE OF CHANGE OF ADDRESS**

DENNIS BASS do hereby by provides the Public Defender's Office with the following information.

1. Last mailing address was 51 CARPENTER LANE W-B, PA. 18702.
2. Last place of residence was Same.
3. Current mailing address is 51 B STANLEY STREET UPPER ASKAM, HANOVER, PA. 18702.
4. Current place of residence is SAME.
5. Current phone number is 820-7739.
6. Copies of this notice has been sent to:
  - A. Clerk of Courts
  - B. Bondsman
  - C. District Attorney's Office

DATE: JANUARY 12, 1998

BY: Regina M. Seacrist  
OFFICE OF THE PUBLIC DEFENDER'S

99 JAN 12 PM 3:22

45074  
LNUZERNE COUNTY  
CRIMINAL DIVISION  
CLERK OF COURT  
ROBERT E. GEBELLY

COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON PLEAS  
V.S. : OF LUZERNE COUNTY - CRIMINAL  
DENNIS BASS : NO. 131 OF 1998

ORDER

AND NOW, this 5<sup>th</sup> day of March, 1999,  
at 9<sup>th</sup> A M., upon consideration of the foregoing Petition  
for Appointment of Conflict Counsel, it is hereby ORDERED AND  
DECREED that Sam Falcoone, Esq., is  
appointed to represent the Defendant in the above-captioned  
matter.

BY THE COURT:

J. H. Murdy

99-1154-5 PH 2:59  
J

cc: date filed 3-5-99  
Judge Murdy  
DA  
file  
Conflict atty Falcoone  
Defendant  
Court Adm.  
(9)

COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON PLEAS  
V.S. : OF LUZERNE COUNTY - CRIMINAL  
DENNIS BASS : NO. 131 OF 98

PETITION FOR APPOINTMENT OF CONFLICT COUNSEL

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The petition of the Office of the Public Defender of Luzerne County respectfully represents as follows:

1. The Defendant is Dennis Bass, an adult individual, who is presently incarcerated at the Luzerne County Correctional Facility.

2. On December 21, 1997, the Defendant was charged by Patrolman Brian Horst of the Wilkes Barre City Police Department with Burglary, Resisting Arrest, Theft and Criminal Mischief. Said charges were filed to 131/98.

3. On December 1, 1998, the Defendant pled guilty before the Honorable Judge Toole. Sentencing was scheduled for January 8, 1999. PSI was scheduled for January 6, 1999.

4. January 8, 1999, the Defendant was sentenced on the above charges. On 131/98, Burglary, the Defendant was sentenced from a 24 month minimum to a 48 month maximum at S.C.I. On Resisting Arrest, the Defendant was sentenced from a 6 month minimum to a 12 month maximum concurrent with Burglary. Theft requires no sentence. Defendant was remanded for classification, 1-15-99. Bail pending appeal was denied by the court. Defendant to have mental health evaluation-treatment if necessary. Defendant to pay all court costs and restitution of \$165.00 within 12 months of release. Defendant to have no contact with victim or establishment. Criminal Mischief merges for sentencing purposes. Defendant advised of all rights. Defendant remanded.

5. We are requesting that the Honorable Court appoint conflict counsel for the following reasons:

- a) Judge Toole sentenced the Defendant to a guideline sentence. He will be doing 2 years at S.C.I.
- b) Since his sentencing, Defendant wrote counsel several times stating he did not wish to appeal. The appeal period is over and now after serving some jail time, Defendant is claiming counsel is ineffective.

WHEREFORE, the Public Defender's Office respectfully requests Your Honorable Court to appoint conflict counsel to represent the Defendant, Dennis Bass.

Respectfully submitted,

Charles G. Ross Jr.  
CHARLES G. ROSS JR., ESQUIRE  
Assistant Public Defender  
Counsel for Defendant

CGR/dms

COMMONWEALTH OF PENNSYLVANIA

vs.

DENNIS BASS,

Defendant.

: IN THE COURT OF COMMON PLEAS  
: OF LUZERNE COUNTY

: CRIMINAL DIVISION

: NO.: 131 OF 1998

**MOTION FOR ORDER TO TRANSCRIBE RECORD**

The defendant, DENNIS BASS, in the above captioned matter having filed a Pro-se Motion for Post Conviction Collateral Relief on April 6, 1999, requests reproduction of the following portions of the trial record in the above-captioned case by and through his court appointed conflict counsel:

1. Trial: including openings, testimony (including sidebar conferences), evidentiary hearings during trial, closings, court's charge (including jury questions and responses thereto), and jury poll (December 1, 1998);
2. Sentencing: including court colloquy (January 8, 1999).

**ORDER**

AND NOW, this 20 day of April, 1999, the court stenographer of

Luzerne County is directed to transcribe those portions of the trial record as marked above and to file the same with the Clerk of Courts with costs to be paid by the County of Luzerne.

It is further ORDERED that copies of this ORDER shall be served upon the trial court, the District Attorney of Luzerne County and the court stenographer.

BY THE COURT:

*M. T. Gned*

J.

99 APR 20 2001  
30  
10

10

COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON PLEAS  
vs. : OF LUZERNE COUNTY  
DENNIS BASS, : CRIMINAL DIVISION  
Defendant. : NO.: 131 OF 1998

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It is further ORDERED that copies of this ORDER shall be served upon the trial court, the District Attorney of Luzerne County and the court stenographer.

BY THE COURT:

S/Conahan

J.

**Exhibit-D**

**SAMUEL A. FALCONE, JR., ESQUIRE  
490 NORTH MAIN STREET  
SUITE 202  
PITTSTON, PA 18640  
(570) 654-4643**

April 23, 1999

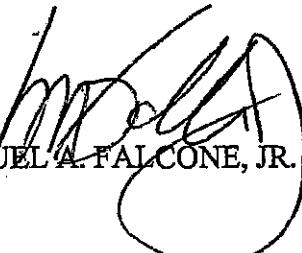
Mr. Dennis Bass L2 - B38  
DW - 6560  
Camp Hill, S.C.I.  
PO Box 200  
Camp Hill, PA 17001-0200

RE: Commonwealth of Pennsylvania v. Dennis Bass  
No.: 131 of 1998

Dear Mr. Bass:

Enclosed you will find a time stamped copy of the Motion for Order to Transcribe Record and Order attached thereto. Once I am in receipt of the transcript I will be better able to review the merits of a Post Conviction Collateral Relief Petition.

Very truly yours,

  
SAMUEL A. FALCONE, JR.

SAFJR:mcw  
Enclosure

Exhibit-E, pg 1 of 10

Date: August 26, 1999

Case # 131 of 1998  
Dennis Bass, DW-6560  
Box A, Rockview S.C.I.  
Bellefonte, PA 16823-0820

Judges Chambers, Judge Conahan  
Luzerne County Court House  
200 North River Street  
Wilkes-Barre, PA 18711-1001

Dear, Honorable Judge Conahan,

I write to you out of my own confusion, and I do not know where, my Conflict Counselor, Attorney Mr S. Falcone, Jr., is?

I have written to my Attorney on several occasions and have not received any reply. The last letter I received from my Attorney was, April 23, 1999. I have written 3-4 times after April 23.

On April 20, 1999, (Yourself) the Honorable Judge Conahan, ordered the reproduction of the trial record (see included), prompted by my Pro-se Motion for Post Conviction Collateral Relief on April 6, 1999.

I have a desire to speak to my Attorney about my submitted Motion. My marriage is in troubled waters and has deeply perplexed me. I need to know, if the Motion was fully accepted or not? I need to know if there is a chance of me saving my marriage, or has my whole life been upended by this matter?

**Exhibit-E** - pg 2 of 10

(2)

All I want to know is; whether or not I can tell my wife that this matter is being reconsidered?

Please, Honorable Judge Conahan, accept my submission on it's Layman's Value. It is/was the best I could do based on my memory of the December 1, 1998 trial of approx -25 minutes

I believe in my heart I did not do this crime. My only foolishness is being intoxicated thinking I could get away with something by picking up property that didn't belong to me, and being irrational at the time of Arrest.

At this time, I am feeling abandon by my Conflict Counsel, Mr S. Falcone, Jr. As my Counsel does not reply to my writings.

Very Truly Yours  
(S) Dennis Bass

Dennis Bass

DW-6560

Box A Rockview S.C.I.  
Bellefonte, PA

16823-0820

**SAMUEL A. FALCONE, JR., ESQUIRE**  
490 NORTH MAIN STREET  
SUITE 202  
PITTSTON, PA 18640  
(570) 654-4643

February 3, 2000

Mr. Dennis Bass  
DW-6560  
Rockview S.C.I., Box A  
Bellefonte, PA 16823-0820

RE: Commonwealth vs. Dennis Bass

Dear Mr. Bass:

As you are now aware, I have filed an Order executed by Judge Toole which clarifies the credit for time served issue previously raised by you. As you can see, this Order was certified and served upon the acting records supervisor for the prison. I trust that this addresses all of your questions and concerns relative to the above referenced matter. However, if upon receipt hereof you have any questions or are requesting any further action on my behalf, please advise immediately.

Very truly yours,



SAMUEL A. FALCONE, JR.

SAFJR:mcw

Exhibit-E pg. 4 of 10

February 10, 2000

Dennis Bass, DLJ-6560  
Box A, Rockview S.C.I.  
Bellefonte, PA. 16823-0820

Mr. Samuel A. Falcone Jr., Esq.,  
490 North Main Street, Suite 202  
Pittston, PA 18640

Dear Mr. Falcone,

I received your Feb. 3rd letter, And I wish to thank you for completing my requested Time Credit.

Also, in your Feb. 3rd. letter I'm asked, if I have Any questions, or request any action to Advise you.

My last letter to you, dated Jan 31, or Feb 1, asks;

- 1) WAS my original (self submitted) motions for, Transcripts, Late Filing of Appeal, And Appeal, Accepted by the Court? and
- 2) If not to question #1, Did you perfect and properly submit my desired Appeal?
- 3) If yes to questions #1 or #2,

- A) I Am requesting A copy of my Transcripts, And
- B) Do we have an Appeal Hearing Date?

I know I promised not to flood your office with letters, And I will not. I would like if you would respond to these questions. I have been waiting since April 9, 1999, for your professional And Knowledgeable response to my Appeal Petition, As indicated by this, your Apr 19th letter.

I still believe in my petition (appeal) is the truth. As my trial was to short ( 35 min.), And the mistakes of my Public Defender And the Honorable Judge, Are to blatant to uphold this conviction. Thank You, Very truly yours, Dennis Bass

March 20, 2000

Dennis Bass DW-6560  
Box A, Lucknow S.C.I.  
Bellefonte, PA 16823-0000

Mr. Samuel A. Falcone Jr., Esquire  
470 North Main Street, Suite 202  
Pittston, PA 18640

Dear Attorney; Mr. Falcone,

I wrote to your Office on, Feb. 10, 2000.

I was responding to your letter of Feb. 3, 2000. Since my last letter, Feb. 10, I have received none of the information/answers, to my questions asked of you.

I understand that responding may take some time. But I am beginning to believe that you are not giving this matter of my Appeal, the proper attention. Also, considering your lacking desire to reply to my letters, in Somewhat, A timely manner.

Please don't misunderstand this letter. I hold no ill-feelings. I don't know what is going-on with my Appeal. It is not my intention to push away A good and experienced Attorney. But, if there is anything that is preventing you, from fulfilling your responsibility to this, my Appeal. Please inform the proper channels.

If there are no Practical or Ethical problems? Then, Please inform me of my Appeal's Status, and the listed questions on my Feb 10, 2000 letter.

Thank You?

Very truly yours,

*Exhibit E-pg 6 of 10 Dk*

MAY 10, 2000

Dennis Bass, DW6560  
Box A, Rockview S.C.I.  
Bellefonte PA 16823-0820

Mr. Samuel A. Falcone, Jr., esq.  
490 North Main Street, Suite 202  
Pittston, PA 18640

Dear Attorney Falcone,

Why can't I get any responses from you?

I do not know if my Pro-se Motion for Post  
Collateral Relief was accepted, time frames (if any),  
And why I can't get the requested Transcripts?

All during my past criminal involvements, I  
Accepted my responsibility and addressed my guilt.

I accept my wrongness for being black-out  
drunk and possessing stolen property. But I do  
not accept the conviction for the crime of Burglary.

The trial of December 1, 1998 sustains my beliefs.  
The Prosecution's Proof; Only I was arrested for the  
incident, yet there are no finger prints at the scene.  
The eyewitness's (two Boscov Security Guards) testified,  
I was not entering or leaving, but standing outside  
next to the entrance, when they arrived.

When I foolishly picked up the stolen property  
(3 pair sneakers), and resisted arrest. This does  
not prove; I committed the crime of Burglary.

What did prove-out to the trial jury was;  
When my Public Defender (Mr. Ross) stating;

"I assisted another in the act of Burglary"

(2)

The Hon. Judge Toolie instructed the jury that;  
"If the Defendant assists in a Burglary, the  
Defendant is guilty of that Burglary."

The Unknown burglar was not arrested. I  
did not have any part in the actual Burglary.  
When the Police of W-B converged upon me,  
I resisted arrest out of my drunkenness. But  
my resisting arrest stopped the Police search for  
the actual burglars. I alone was arrested.

This is why I need all of my transcripts,  
Police Arrest Reports, jury deliberation and Judges  
comments.

I do not accept this Burglary conviction.  
The trial proves to me that I could not of  
have committed the act of Burglary, I have  
been convicted of.

So, let me ask you one more question;

"When exactly was the moment, when I  
became less than a citizen in '000

000 "We The People"?

Very Truly Yours,

(S) Dennis Bass

Dennis Bass, DW-6560

Box A, Rockview S.C.I.

Bellefonte, PA 16823-0820

May 10, 2000

Exhibit-E-pg 8 of 10

MAY 25, 2000

Case No; 131 of 1998  
Dennis Bass, DW-6560  
Box A, Rockview S.C.I.  
Bellefonte, PA. 16823-0820

Mr. Samuel A. Falcone, Jr., Esquire  
490 North Main Street, Suite 202  
Pittston, PA 18640

Dear Conflict Counselor,

I am truly sorry that, I find myself writing to you in this fashion. But it seems, I was left no choice.

Mr Falcone, you continuously shown me your intent on ignoring me. You refuse to respond to my inquiries concerning; My Trial Transcripts of case 131 of 1998, My Motion for Post Conviction Collateral Relief, filed April 6, 1999 And failed to pro-offer Anyother possible avenues of relief.

On every conceivable level, you have refused to interact with me. My wife has called your office, And she was never responded to either.

I do not understand your meaning of; Attorney/Client Relationship? I know you were Appointed to represent me. Just like Public Defender-Mr. Ross, it seems to me that; Your only offering the bare minimum

(2)

to fulfill the Court Appointment.

I am Sorry, I can not afford the best of your true abilities.

At this time, I am preparing A Pro-se Writ of Mandamus for Philadelphia Supreme Court. I will mail this Writ on June 9, 2000

If I do not hear from you before June 9, 2000. I will file A Motion for Reappointment of Counsel.

I am sorry, it has come to this.

May 25, 2000

Very Truly Yours,  
(S) Dennis Bass

Dennis Bass, DW-6560  
Box A, Rockview S.C.I  
Bellefonte, PA 16823-0820

Case No; 131 of 1998

DC-16D SENTENCE STATUS SUMMARY				COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF CORRECTIONS								
1. SENTENCE SUMMARY												
J.LEATHERS												
Class of Sentence <input type="checkbox"/> DEFINITE <input checked="" type="checkbox"/> INDEFINITE <input type="checkbox"/> GENERAL <input type="checkbox"/> LIFE <input type="checkbox"/> COMMUTED LIFE <input type="checkbox"/> EXECUTION												
Date	County	Number, Term Court, Indictment	Type Sent	Minimum			Maximum			Judge	Offense	Offense Tracking Number
				Y	M	D	Y	M	D			
1-8-99	LUZERNE	CP131:98		2			4			PATRICK TOOLE	BURGLARY	E9129282
1-8-99	LUZERNE	CP131:98	CC	6	1	Sentence Complete				TOOLE	RESIST ARREST	E9129282
Continued From DC#		Plea NOT GUILTY	Total Sentence	2			4			CREDIT: LUZ Co.-12-20-97 to 01-22-98 [34D]		
Fines				Costs				Restitution \$165.00				
Summary or Remarks on Sentence : PER COMMITMENT ORDER EFFECTIVE DATE OF CP131:98 IS 1-15-99. CR. MISCHIEF MERGES AND THEFT REQUIRE NO FURTHER SENTENCE.												
2. DATES SECTION												
Item		Original	Change #1		Change #2		Change #3		Change #4		Change #5	
DATE OF RECEPTION		3-8-99	03-08-1999									
EFFECTIVE DATE		1-15-99	12-12-1998									
EXPIRATION OF MINIMUM		1-15-2001	12-12-2000									
EXPIRATION OF MAXIMUM		1-15-2003	12-12-2002									
EFFECTIVE DATE - PV		XXXXXX										
DELINQUENT TIME		XXXXXX										
BACKTIME		XXXXXX										
NEW MAXIMUM - PV		XXXXXX										
SENTENCE CHANGE		XXXXXX	05-05-2000									
BASIS FOR CHANGE		XXXXXX	Received Comm. Credit									
NEW SENTENCE		XXXXXX	2Y - 4Y									
1 <sup>st</sup> Release: Method-Inst.-Date		2 <sup>nd</sup> Release: Method-Inst.-Date		3 <sup>rd</sup> Release: Method-Inst.-Date		4 <sup>th</sup> Release: Method-Inst.-Date						
3. REFERENCES AND IDENTIFICATION												
1 <sup>st</sup> Admission: Inst.-Date C/CDCC 3-8-99			2 <sup>nd</sup> Admission: Inst.-Date Roc 6-4-99			3 <sup>rd</sup> Admission: Inst.-Date			4 <sup>th</sup> Admission: Inst.-Date			
Prosecuting Police Department WILKES-BARRE PD			Place of Birth QUEENS, NY			Date of Birth 1-18-62			Marital Status MARRIED		R-S W/M	
DC Number DW-6560	PBPP Number	SID Number 2793262 2		Name BASS, DENNIS						TN		ALIAS

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

**3. Article Addressed to:**

Keystone Cor. C2 House  
200 W. River St  
Wilkes Barre 18711

**4a. Article Number**

2426 351 857

**4b. Service Type**

<input type="checkbox"/> Registered	<input checked="" type="checkbox"/> Certified
<input type="checkbox"/> Express Mail	<input type="checkbox"/> Insured
<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> COD

**7. Date of Delivery****8. Received By: (Print Name)**

*Carol Yank*

**6. Signature: (Addressee or Agent)****X****8. Addressee's Address (Only if requested and fee is paid)**

PS Form 3811, December 1994

102595-97-B-0179 Domestic Return Receipt

7  
L 59 T 5 E 92 h Z  
Thank you for using Return Receipt Services.

Surf of Common  
Berne County  
10; 131 of 1998  
And Service

To The HONORABLE JUDGES AND CLERKS of SAID COURT

The Defendant in the above captioned Criminal matter, submits the enclosed Motion, to receive Certified Transcripts And records.

The Defendant respectfully submits this Motion, via; Certified Mail, Return Receipt on, April 7, 2000, being placed into the Mail Box At Rockview S.C.I., Box A, Bellefonte, PA, 16823-0820.

The Defendant swears to the original Signature listed below.

Date: April 7, 2000 (S) Dec 13

Dennis Bass, DW-6560

Box A, Rockview S.C.I.

Bellefonte PA 16823-0820

Enclosed; Cover Notice (1), Motion for Transcripts (4),  
Judge Canahan Order (1), Conflict Attorney Letters (5),  
Def. Letter to Canahan (2), and Def. Letters to Attorney (2)

**Exhibit 6; Pages 1-571 of 5**

Commonwealth of Pennsylvania : In the Court of Common  
VS : Pleas of Luzerne County,  
Dennis BASS : Criminal No; 131 of 1998

Motion for, Order granting Defendant Certified Transcript Copies

TO THE HONORABLE JUDGES of SAID COURT

The Motion of the Defendant, Dennis  
Bass, Represented by; Mr. S. Falcone, Jr., Esquire,  
submitted Pro-Se, for the purpose therein,  
respectfully submits the following;

1) The Defendant in the above captioned  
matter, having filed a (Pro-Se) Motion for Post  
Conviction Collateral Relief, on; April 6, 1999, at;  
Luzerne County Courthouse, respectfully requests  
the Production of, And to receive, the Trial

Transcripts and Records (Arrest), Jury Transcripts, And Sentencing Transcripts, for; the Trial date December 1, 1998, And Sentencing date; January, 8, 1999, for the captioned case.

2) The attached copy of/ is an Order to Reproduce the Trial and Sentencing Transcripts as was Ordered by; Honorable Judge Conahan, on; April 20, 1999.

3) Defendant respectfully requests to receive Certified Transcripts of the above captioned case.

4) Defendant requested for; said Transcripts within the filed; Motion for Post Conviction Collateral Relief of; April 6, 1999, and

has requested said Transcripts And records from the Defendant's Appointed conflict counselor; Mr. Sam Falcone, Jr., Esq. ( ~~15~~ <sup>Attached</sup>)

5) As to the date, and signing of this Requested Motion, Defendant has received "NO" copies, records or Certified Transcripts, of/in the above captioned CASE , And

6) Defendant has received "NO" indication or communication by Luzerne County Court, nor by the Defendant's Appointed conflict counselor ; Mr. Sam Falcone, Jr., Esquire , As to the status of the Pro-Se filed Motion for Post Conviction Collateral Relief of April 6, 1999 . The only indication is the ~~15~~ <sup>Attached</sup> Order by Judge

Conahan dated April 20, 1999.

7) Defendant believes the lack of said Transcripts may and will deny Defendant fair, legal and accurate access to the Courts, as a Lay-man of the law.

8) Defendant wishing to file supporting and other motions to the Courts.

Therefore, Defendant respectfully requests an Order to be filled requesting and requiring Certified Transcripts and records, be afforded and granted to the below addressed Defendant.

Date: April 7, 2000

Very Truly Yours,  
(S) Dennis Bass  
Dennis Bass, DW-6560  
Box A, Rockview S.C.I  
Bellefonte, PA 16823-0820

Defendant

L

B-2

COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON PLEAS  
V.S. : OF LUZERNE COUNTY - CRIMINAL  
DENNIS BASS : NO. 131 OF 1998

~~Postponed~~

ORDER

AND NOW, this 5<sup>th</sup> day of March, 1999,  
at 9<sup>th</sup> A M., upon consideration of the foregoing Petition  
for Appointment of Conflict Counsel, it is hereby ORDERED AND  
DECREED that John J. Kilkenny, Esq., is  
appointed to represent the Defendant in the above-captioned  
matter.

BY THE COURT:

John J. Kilkenny  
J.

99 MAR -5 PM 2:59  
LAW OFFICES OF  
JOHN J. KILKENNY  
1000 AVENUE OF THE AMERICAS  
NEW YORK, NY 10019

cc: date filed 3-5-99

Judge Murphy

DA

file  
Conflict Atty file  
Kilkenny

Court Adm.

Exhibit 5 page 4 of 4

COMMONWEALTH OF PENNSYLVANIA

IN THE COURT OF COMMON PLEAS  
OF LUZERNE COUNTY

vs.

CRIMINAL DIVISION

DENNIS BASS,

Defendant.

NO.: 131 OF 1998

**MOTION FOR ORDER TO TRANSCRIBE RECORD**

The defendant, DENNIS BASS, in the above captioned matter having filed a Pro-se Motion for Post Conviction Collateral Relief on April 6, 1999, requests reproduction of the following portions of the trial record in the above-captioned case by and through his court appointed conflict counsel:

1. Trial: including openings, testimony (including sidebar conferences), evidentiary hearings during trial, closings, court's charge (including jury questions and responses thereto), and jury poll (December 1, 1998);
2. Sentencing: including court colloquy (January 8, 1999).

**ORDER**

AND NOW, this 20 day of April, 1999, the court stenographer of Luzerne County is directed to transcribe those portions of the trial record as marked above and to file the same with the Clerk of Courts with costs to be paid by the County of Luzerne.

APR 20  
It is further ORDERED that copies of this ORDER shall be served upon the trial court, the District Attorney of Luzerne County and the court stenographer.

BY THE COURT:

S/Conahan

J.

**Exhibit-D**

disclosure of Defendants Criminal  
Files including; Arrest Reports,  
Court Reports; Discovery Motion,  
Trial Transcripts; Deliberation  
Transcripts, Police Reports (Lab.);  
Hospital Reports of December 20, 1997

And Any other file not mentioned  
Above.

14. Defendant Also respectfully  
requests the deletion of Any  
information that may be deemed a  
potential threat Any persons  
security and well-being.

Exhibit-Motion; A, page 8 of 9

In the Supreme Court of Pennsylvania  
Eastern District

Dennis Bass,  
Petitioner

VS

Court of Common Pleas  
of Luzerne County,  
Respondent

No. 0116 M.D. 8  
2000

RECEIVED  
CLERK OF COURT  
CRIMINAL DIVISION  
LUCERNE COUNTY  
PA 18801  
L-6008  
AUG -7 2001  
AM 11:58

Motion to Amend and Update;  
Writ of Mandamus And/or Extraordinary Relief, And  
Leave to Proceed In Forma Pauperis

To the Honorable, The Chief Justice And  
Justices of the Supreme Court:

I, Dennis Bass the Petitioner

Pro se, in the above captioned case,

hereby make this Motion to Amend

and Update the above said Writ

and Application, and respectfully

submits the following and represents;

1) Petitioner Ammends and updates the following information and understands that false statements herein are made subject to the penalties of 18 PA, C.S.A. 4904, relating to unsworn falsification to Authorities.

2) Within the Petition for Writ of Mandamus and/or Extraordinary Relief - filed; June 30, 2000, listed on Attached Exhibit E - pgs. 9 and 10, of 10 the Petitioner has taken action against Court Appointed Conflict Counselor; Mr. S. Falcone, Esq. (See Exhibit H - pgs 4 of 4.)

- 3) Mr. S. Folcone, Esq. files Petition for Appointment of Substitute Conflict Counselor and is withdrawn. Replaced by; Mr Brian Corcoran, Esq., as Petitioners Appointed Counsel on June 26, 2000 (See Exhibit I - pgs 4 of 4)
- 4) Petitioner writes to Mr. B. Corcoran, Esq. on July 8, 2000. Petitioner has not yet received a reply. ( See Exhibit J - pgs 3 of 3)
- 5) Petitioner writes to the Supreme Court on July 9, 2000, discussing future Submissions as a Pro-se Petitioner (See Exhibit K - pgs 3 of 3)

6) On July 11, 2000 the Petitioner receives a 1998 Income Tax Return that was officially claimed lost/stolen and Petitioner pays the Court Charges and Restitution. (See Exhibit L - pgs 6 of 6)

7) Petitioner believes the Court Charges and Restitution must be paid, and not used against Petitioner during PCRA review, and it is not to be misconstrued as this Petitioner's admission to guilt of burglary, by paying restitution.

8) Petitioner pays that the

Application for In Forma Pauperis  
is upheld by the Supreme Court  
and is granted. The money the  
Petitioner now possesses will be  
used for housing, food and clothing  
when Petitioner is eventually released.

9) This 1998 Tax Refund is  
all the money the Petitioner  
has in the world.

Therefore, Petitioner wishes  
to include this information and  
Amend and update the said Writ  
of Mandamus and/or Extraordinary  
Relief - filed, June 30, 2000

And,

To seek whatever other relief  
the Justices of the Supreme Court  
of Pennsylvania deem just and proper.

August 2, 2000

Respectfully Submitted,  
(S) Dennis Bass - Pro-se  
Dennis Bass DW6520  
Box A, Rockview S.C.I.  
Bellefonte, PA 16823-0820

Date, June 16, 2000

Dennis BASS, DW-6560  
Box A, Rockview S.C.I.  
Bellefonte, PA, 16823-0820

(Attn: Court Clerk)

Court of Common Pleas of Luzerne County  
200 North River Street  
Wilkes-Barre, PA 18711-1001

Honorable Clerk,

Please file this Pro-se Motion  
Requesting Reappointment of Counsel,  
in Case no. 131 of 1998.

(Service)

The above named Defendant has  
placed the above said motion into  
the facility Mail Box of Rockview S.C.I.,  
on the above date, by First Class Mail.

Respectfully Submitted  
(s) Dennis Bass Pro-se  
Dennis Bass, Defendant

(Exhibit H - pg 1 of 4)

Commonwealth of Pennsylvania : In the Court of Common  
VS. : Pleas of Luzerne County  
Dennis BASS : Criminal No; 131 of 1998

Motion Requesting Reappointment of Counsel

To The Honorable Judges And Clerks of Said Court:

This Motion, submitted Pro-se by ; Dennis  
BASS, the Defendant in the Above said matter.

1) Defendant Respectfully Requests the Honorable  
Court to Remove Mr. S. Falcone, Jr. as the  
Defendants Acting Conflict Counselor, based  
upon; Conflict of Intrests.

2) Mr. Falcone's lacking of the Defendants  
intrests is furthering the Defendants denial  
of Due Process; to accurate court access.

(Exhibit H-pgs 2 of 4)

3) Defendant has requested ; Action to be taken concerning ; Defendants Motion for Post Conviction Collateral Relief submitted April 6, 1999 And, Defendant desire to obtain Complete Certified Transcripts of Case; 131 of 1998, from Arrest, the Trial of December 1, 1998 And Sentencing .

4) Defendant has not received the Above requested Actions by /from Mr. S. Falcone, Jr.

5) Mr. Falcone, Jr. has ignored the Above SAID intrests of the Defendant .

6) Mr. Falcone, Jr.'s inaction and lack of interaction, serves to bar And prevent  
(Exhibit H - pgs 3 of 4 )

the Defendant Due Process, by non-competent, inaccessible and unavailable counsel.

7) Defendant wishing to file accurate Court Motions in other courts.

Therefore, Defendant Respectfully Requests the Court to "Remove" Mr. S. Falcone, Jr., as the Defendants Conflict Counselor, and to appoint an Attorney that Solely Represents the Defendant.

If such an attorney is not available?  
Let it be known to this Defendant.

Respectfully Submitted  
Date: June 16, 2000 (5) D.S.B.  
(Exhibit H - )  
Dennis Bass, DW-6560  
Box A, Rockview S.C.I.,  
Bellefonte, PA. 16823-0820  
pgs 4 of 4

SAMUEL A. FALCONE, JR., ESQUIRE  
490 NORTH MAIN STREET  
SUITE 202  
PITTSTON, PA 18640  
(570) 654-4643

July 5, 2000

Mr. Dennis Bass, DW-6560  
Box A, Rockview S.C.I.  
Bellefonte, PA 16823-0820

RE: Commonwealth v. Dennis Bass  
Nos. 131 of 1998

Dear Mr. Bass:

Enclosed please find a copy of an Order of Court signed and dated June 26, 2000 appointing Brian C. Corcoran, Esquire to represent you in the above-referenced matter.

In addition, I am providing you with the mailing address of Attorney Corcoran as follows:

Brian C. Corcoran, Esquire  
400 Third Avenue  
Kingston, PA 18704

Very truly yours,



SAMUEL A. FALCONE, JR.

SAFJR:mcw  
Enclosure

(Exhibit I-pg 1 of 4)

COMMONWEALTH OF PENNSYLVANIA

v.

DENNIS BASS,  
DEFENDANT.

: IN THE COURT OF COMMON PLEAS  
: OF LUZERNE COUNTY  
: CRIMINAL DIVISION  
: NO. 131 of 1998

ORDER

AND NOW, this 26<sup>th</sup> day of June, 2000, at 9<sup>th</sup> o'clock A.M. it is  
hereby ORDERED that SAMUEL A. FALCONE, JR., ESQUIRE, be allowed to withdraw as  
court appointed conflict counsel and that Brian Corcoran  
\_\_\_\_\_, Esquire, be appointed to represent  
the defendant in the above-captioned matter.

BY THE COURT:

ROBERT C. ASHLEY  
CLERK OF COURT  
CRIMINAL DIVISION  
LUZERNE COUNTY

00 JUN 28 PM 3:17

( Exhibit I - pgs. 2 of 4 )

COMMONWEALTH OF PENNSYLVANIA

v.

DENNIS BASS,  
DEFENDANT.

IN THE COURT OF COMMON PLEAS  
OF LUZERNE COUNTY  
CRIMINAL DIVISION  
NO. 131 of 1998

PETITION FOR APPOINTMENT OF SUBSTITUTE CONFLICT COUNSEL

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The petitioners, by and through his counsel, SAMUEL A. FALCONE, JR., ESQUIRE, hereby request appointment of substitute conflict counsel in support thereof aver as follows:

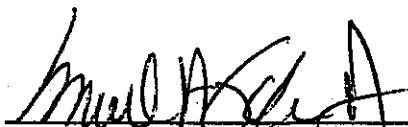
1. On or about March 5, 1999, Samuel A. Falcone, Jr., Esquire, was appointed to represent the defendant in connection with the above-referenced matter.
2. In a letter dated May 25, 2000, the defendant, Dennis Bass, alleges current counsel's ineffectiveness. (Listed As - Exhibit E pgs 9+10, of 10)
3. As a result, there is an irretrievable breakdown in the attorney client relationship.

WHEREFORE, the defendant, by and through his counsel, respectfully request this Honorable Court issue an order authorizing the appointment of substitute conflict counsel and allowing Samuel A. Falcone, Jr., Esquire, to withdraw from further representation of the defendant, Dennis Bass.

(Exhibit I - pgs. 3 of 4)

RESPECTFULLY SUBMITTED,

BY:

  
**SAMUEL A. FALCONE, JR., ESQUIRE**  
**490 NORTH MAIN STREET**  
**SUITE 202**  
**PITTSTON, PA 18640**  
**(570) 654-4643**  
**COURT APPOINTED COUNSEL FOR**  
**THE DEFENDANT.**

( Exhibit I - pgs 4 of 4 )

July 8, 2000

Dennis BASS, DW-6560  
Box A, Rockview S.C.I  
Bellefonte, PA 16823-08

Mr. Brian C. Corcoran, Esquire  
400 Third Avenue  
Kingston, PA 18704

Dear Attorney Corcoran,

I received Notice that; You are my "New Court Appointed Attorney".

Let me start by saying "Hello!" And Apologize for some of the harsh statements I am about to make.

I am sorry that my case has fallen upon your lap. My case has fallen across the laps of Mr. Ross, P.D. And Mr. Falcone. Both of whom handled my case with inaction and the lack of interaction. Honestly, it is sometimes easy for me to believe, as trial and error shows, that a court appointed attorney is one of two things; 1) A puppet of the court's, or 2) A person that really don't care about a post-convicted individual, innocent or guilty.

This is becoming, easier and easier, for me to believe. I understand I don't have the money to give you what you deserve. For that, I am again sorry. I did not choose you, so please don't hold it against me and please don't take it out on my case by inaction.

(Exhibit J- pg 1 of 3)

(2)

If you have or develop problems handling this case against Luzerne Court. Please let me know, if and when, something arises.

The matter of my case means more to me than just getting out of prison. It means Closure. The closure I need is the factual proving, or disproving, that I committed the Act of Burglary.

During the Trial of Dec. 1, 1998, if the Judges instructions to the Jury were omitted, "Prove to Me", I did not commit the crime of Burglary.

I know being Black-out drunk is not a defense. But I also know, it is not cause for guilt. I do not remember anything of the incident.

In my heart, with all of my belief, I feel I am innocent of the crime of burglary.

This is why I am apologizing for being harsh. This issue is very serious to me.

I need an Attorney to stand-up with the truth against the Court's Authority. I feel Luzerne Court needed to find someone guilty, for this crime, over and above the law. I was just the right fool to walk over to a crime scene and pick something up.

I know I bought the initial arrest and the attached charges. But I do not deserve

(Exhibit 5-pgs 2 of 3)

(3)

the trial I received and the conviction for a crime based upon A Judges instructions and inference, Over and Above, the Prosecutions Burden of Proof that shows me to be innocent of the Burglary Charge.

As soon as you meet with Mr. Falcone and retrieve my Case File. Please ask me whatever questions you need to ask.

Also, No One seems to wish to fulfill my request for Complete Case Records and Certified Transcripts.

Will You, Mr Corcoran, Please grant me this request? If not, Please tell me why?

I will be looking forward to see what posture you take, in end of, this matter.

Hope to here from you soon

Thanks for staying, if that is truly what you want to do?

Very Truly Yours,  
(S) Dennis Bass

Dennis Bass DW6560  
Box A, Rockview S.C.I.  
Bellefonte, PA 16823-0820

July 8, 2000

(Exhibit J-0953 of 3)

July 9, 2000

Dennis Bass, DW-6560  
Box A, Rockview S.C.I.  
Bellefonte, PA 16823-0820

Supreme Court of Pennsylvania  
Middle District  
Office of the Prothonotary  
434 Main Capitol Building  
P.O. Box 624  
Harrisburg, PA 17108

RE: 0116 M.D. 2000

Dear Justices of the Supreme Court,

I, Dennis Bass the Petitioner, in the above mentioned Docket, respectfully make the following request for information.

1) Future Submissions from this Petitioner, can not be copied for proper service upon the Respondents. Due to, Petitioner has a negative balance of his inmate account and can not afford proper photo-copies to be made at the cost of .10¢ per copy.

Petitioner prays that the Petition for Leave to Proceed In Forma Pauperis will enable this Petitioner to, send all future submissions and additional exhibits directly to the Supreme Court for proper distributing and service to, the Supreme Court, the Respondents, and to this Petitioner, returning original exhibits?

(Exhibit K - on 1 of 3)

(2)

this Petitioner prays for the Supreme Courts forgiveness that Petitioner is destitute.

2) As A Pro-Se Petitioner, the Petitioner is a lay man of the Law, And prays that the Supreme Court bear this in mind.

Petitioner does not understand how to cite case law, how to find case law And/or how to include case law into the Petitioners writings. Petitioner has tried to find parallel case law And has found nothing precisely corresponding to the Petitioners matter at hand.

Again Petitioner prays for the Supreme Courts forgiveness, And prays that fairness, knowledge, And the law, prevails without the consequence to this Petitioners ignorance.

Thank You, for whatever grantings the Supreme Court of Pennsylvania, And its Justices deem just and proper.

Respectfully Submitted, Pro-Se,  
(S) Dennis Bass

July 9, 2000

Dennis Bass, DW-6560  
Box A, Rockview S.C.I.  
Bellefonte, PA 16823-0820

(Exhibit K-0952 of 3)



# Supreme Court of Pennsylvania

## Middle District

IRENE M. BIZZOSO  
DEPUTY PROTHONOTARY  
SHIRLEY BAILEY  
CHIEF CLERK

434 MAIN CAPITOL BUILDING  
P.O. BOX 624  
HARRISBURG, PENNSYLVANIA 17108  
(717) 787-6181  
<http://www.courts.state.pa.us>

TO: Mr. Dennis Bass  
SCI-Rockview, Box A DW6560  
Bellefonte, PA 15370-8090

RE: Correspondence dated July 9, 2000  
0116 M.D. Miscellaneous Docket 2000

DATE: July 13, 2000

---

This is to advise you that we are in receipt of your correspondence dated July 9, 2000 regarding the above captioned matter.

The Court is currently awaiting an answer from the respondent in this case. Upon receipt, it will be forwarded to the Court. Therefore, no further pleadings are required from you until such time as the Court may order.

Very truly yours,

Office of the Prothonotary  
Supreme Court of Pennsylvania

/MAT

(Exhibit K-0083-13)

## PART I

CLAIM AGAINST THE UNITED STATES  
FOR THE PROCEEDS OF A GOVERNMENT CHECK

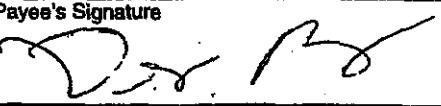
Your Social Security Account Number and the other information are being requested in order that the Department of the Treasury can process your claim for a government check. The authority to consider your claim is found in part, at 31 United States Code, Sections 528, and 561-564. If you cannot or will not furnish the information, the processing of your claim may be delayed. The estimated average burden associated with this collection of information is 10 minutes per respondent or recordkeeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Financial Management Service, Facilities Management Division, Property and Supply Section, Ardmore East Business Center, 3361-L 75th Avenue, Landover, Md. 20785 or the Office of Management and Budget, Paperwork Reduction Project (1510-0019) Washington, D.C. 20503.

2301-70359489	1070-00 04/02/93
DENNIS P. BASS	AGENCY
112548736	1070-00 I
89109 00643 72/51	NEW
DENNIS P. BASS BOX A RUCKVIEW S C BELLEFONTE, PA 16823	

**WARNING:** Title 18, Sec. 287, U.S. Code: "Whoever makes or presents to any person or officer in the civil, military, or naval service, of the United States, or to any department or agency thereof, any claim upon or against the United States, or to any department or agency thereof, knowing such claim to be false, fictitious, or fraudulent, shall be fined not more than \$10,000 or imprisoned not more than five years, or both."

1. Did you receive this check?	No
2. Did you sign your name on this check?	No
3. Did you cash this check?	No
4. Did you deposit this check in a bank, credit union other financial organization? Did someone else deposit this check to an account that you could use?	No
5. Was this check cashed with your permission?	No
6. Did you receive any money or benefit in any way from this check (e.g. household expenses, child support, etc.)? If so, explain, (include amount if known.)	No
7. If your present name is different from that on the face of the check, explain why.	—
8. If you are making claim for this check and it is not made out to you, state your relationship to the payee. Explain why the payee cannot sign.	—

**THIS CLAIM IS MADE FOR THE PROCEEDS OF THE ABOVE CHECK. IF YOU CASH BOTH THE ORIGINAL AND AN SETTLEMENT CHECKS, THE OVERPAYMENT MUST BE PROMPTLY REFUNDED. FAILURE TO DO SO COULD RESULT IN LEGAL ACTION. BE SURE TO INCLUDE THE ABOVE CHECK AND SYMBOL NUMBERS WITH YOUR REFUND.**

<b>SIGN HERE</b>	Payee's Signature 	2nd Payee's Signature (if check drawn to two payees)
Your assigned I.D. No. (SSA, VA, IRS, Etc.)	112548736	2nd Payee's assigned I.D. No. (SSA, VA, IRS, Etc.)
Signature of Witness (ONLY if Payee(s) Signed by Mark)		

PA DEPT. OF CORRECTIONS  
BUREAU OF COMPUTER SERVICES  
REMOTE PRINT TIME 15:25

INMATE ACCOUNTS SYSTEM  
PARTIAL ACCOUNT LISTING  
FROM ACTIVE FILE

RUN IAS365  
DATE 7/20/2000  
PAGE 2

INMATE	NAME
NUMBER	LAST
DW6560	BASS

FIRST	MI
DENNIS	

BATCH #	DATE MO	TRANSACTION DESCRIPTION	TRANSACTION BALANCE AFTER AMOUNT TRANSACTION	
			YEAR	
282	06-12-2000	10 MAINTENANCE PAYROLL WAGES - MAY 2000	36.96	26.53
296	06-13-2000	38 INSIDE PURCHASES LIBRARY COPIES - MAY	-.30	26.23
296	06-13-2000	38 INSIDE PURCHASES LIBRARY COPIES - MAY	-.80	25.43
8165	06-13-2000	32 ROC COMMISSARY FOR 6/13/2000	-2.11	23.32
326	06-16-2000	37 POSTAGE JUNE	-6.40	16.92
8172	06-20-2000	32 ROC COMMISSARY FOR 6/20/2000	-16.80	.12
368	06-22-2000	38 INSIDE PURCHASES LIBRARY COPIES - JUNE	-17.60	-17.48
9007	07-03-2000	34 RADIO/TV BASIC CABLE TV AND HBO	-10.85	-28.33
527	07-14-2000	14 MISCELLANEOUS U.S. TREASURY #441157	1,070.00	1,041.67
539	07-17-2000	10 MAINTENANCE PAYROLL WAGES - JUNE 2000	31.73	1,073.40
BALANCE AFTER THESE TRANSACTIONS----->				1,073.40

DC-130B Rev. 9-15-91	COMMONWEALTH OF PENNSYLVANIA	E 441157
CASH TRANSACTION RECEIPT		Department of Corrections
LOCATION RECEIVED	RECEPTION (RO)	DATE 7/12/00
GATE <input type="checkbox"/> MAIL <input checked="" type="checkbox"/> CASHIER <input type="checkbox"/> OTHERS <input type="checkbox"/> (DESCRIBE OTHERS)	INSTITUTIONAL NUMBER DW6560	
CREDIT TO TO → Dennis P Bass	AMOUNT RECEIVED 1070.00	
RECEIVED FROM FROM → U.S. Treasury	RELATIONSHIP	
ADDRESS		
RECEIVED IN → CASH <input type="checkbox"/> MAIL ORDER <input type="checkbox"/> CHECK <input checked="" type="checkbox"/> OTHERS (DESCRIBE)		
RECEIVED AS CONTRIBUTION <input type="checkbox"/> SALES <input type="checkbox"/> SERVICE OF GOODS <input type="checkbox"/> RENDERED <input type="checkbox"/> (DESCRIBE)		
DESCRIPTION OF SALES OR SERVICES		
RECEIVED BY <i>(Signature)</i>		
WHITE - Business Office    YELLOW - Donor    PINK - Inmate    GOLD - Location Received		

(Exhibit L - pgs 2 of 6)

DC-135A

ENTERED

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF CORRECTIONS

## INMATE'S REQUEST TO STAFF MEMBER

JUL 12 2000

## INSTRUCTIONS

Complete Items Number 1-7. If you follow instructions in preparing your request, it can be disposed of more promptly and intelligently.

## BOOKKEEPING

1. TO: (NAME AND TITLE OF OFFICER)	2. DATE
Inmate Accounts Office	
3. BY: (INSTITUTIONAL NAME AND NUMBER)	4. COUNSELOR'S NAME
Dennis Bass, DW-6560	
5. WORK ASSIGNMENT	6. QUARTERS ASSIGNMENT
Allowance	CB-1054

## 7. SUBJECT: STATE COMPLETELY BUT BRIEFLY THE PROBLEM ON WHICH YOU DESIRE ASSISTANCE. GIVE DETAILS.

Today I received my 1998 Income Tax of \$1070.00  
 According to my monthly statements I owe Act 84  
 \$118.75 (Court Fees), and \$165.00 (Restitution)  
 Total - \$283.75

20% of \$1,070 = \$214.00 (Deducted 20% by Act 84)  
 Remaining Amount = \$69.75 (Deducted by Inmate Request)  
 \$283.75 - Paid In Full

I will include a Cash Slip (DC-135A) to cover the \$69.75  
 Remaining Amount to be paid to the court.

Please send this (DC-135A) Request and a Act 84

## 8. DISPOSITION: (DO NOT WRITE IN THIS SPACE)

Paid In Full Notice to me

when completed.

Thank You!

Dee B

Mr. Bass:

Our records indicate your Act 84 has been paid in full. The only figure we received was \$165.00. We have no record of the \$118.75 court costs. If you have other documentation, please contact Luzerne County.

Please see attached print outs.

(Exhibit L - pgs 3 of 6)

S. Miller  
Bookkeeping  
07-12-00

TO DC-14 CAR ONLY

TO DC-14 CAR AND DC-15 IRS

STAFF MEMBER

Dee B

DATE  
7-12-00

DC-300B (PART 1)  
(Rev. 10-25)COURT COMMITMENT  
STATE OR COUNTY CORRECTIONAL INSTITUTION  
Commonwealth of Pennsylvania

BASS, DENNIS

COMMITMENT NAME (LAST, FIRST, INITIAL, SUFFIX)

DW-6560

SEX <input type="checkbox"/> F <input checked="" type="checkbox"/> M	DATE OF BIRTH 1-18-62	SID	OTN E-912928-2	COURT OF INITIAL JURISDICTION	<input type="checkbox"/>	COMMON PLEAS <input type="checkbox"/>
COMMITTING COUNTY/MAGISTERIAL DISTRICT Luzerne County			COURT NUMBER			DATE - TERM 131 1998

The above defendant after  pleading guilty  nolo contendre  being found guilty was on 1-8, 19 99 sentenced by Judge/District Justice Patrick Toole, J. to a term not less than \_\_\_\_\_ years 24 months \_\_\_\_\_ days nor more than \_\_\_\_\_ years 48 months \_\_\_\_\_ days, or for the offense of Burglary

(Section \_\_\_\_\_ of the Crimes Code) or (other statute) \_\_\_\_\_

It is further ordered that the said defendant be delivered by the proper authority to and treated as the law directs at the SCI facility located at Camp Hill.

FINE AMOUNT \$ _____ To Be Paid To: <input type="checkbox"/> COUNTY <input type="checkbox"/> COMMONWEALTH	COSTS AMOUNT \$ _____ To Be Paid By: <input type="checkbox"/> COUNTY <input checked="" type="checkbox"/> DEFENDANT	RESTITUTION \$165.00 within 12 mos of release
--	---	--

CREDIT FOR TIME SERVED (EXPLANATION OF CREDIT COMPUTATION ON REVERSE SIDE)

EFFECTIVE DATE OF SENTENCE

1-8-99

This sentence shall be deemed to run concurrent to any existing sentences, effective the date of imposition unless otherwise stipulated below.

Sentencing: 131/98-Burglary-min. 24 mos. max. 48 mos. SCI- Theft-Requires no sentence. Deft. remanded for classification-1-15-99. Bail pending appeal is denied by the court. Mental health evaluation-treatment. Pay all court costs. No contact with victim or establishment. Restitution \$165.00 within 12 mos. of release. Criminal mischief-merges for sentencing purpose. Deft. advised of all rights. Judge Toole.

PROSECUTING ATTORNEY M. Olshefski	DISPOSITION OF NON-INCARCERATION OFFENSE(S)
DEFENSE ATTORNEY C. Ross PD's	
COURT REPORTER K. O'Hearn	(THIS BLOCK NOT TO BE USED FOR INCARCERATION OFFENSE)

In witness, whereof I have hereunto set my hand and seal of said court, this 3rd day of March 19 99

*Robert J. Reilly*  
CLERK OF COURTS

CLERK OF COURTS

Date: 7/17/2000  
 Time: 10:09 AM  
 Page 1 of 1

Luzerne County Court of Common Pleas  
 PA COST BILL REPORT  
 1998-CR-0000131-

User: RREILLY

## Commonwealth of Pennsylvania vs. Dennis Dw6560 Bass

Dennis Dw6560 Bass  
 Box A  
 Bellefonte PA 16823

CASE:  
 1998-CR-0000131-

## Charge / Fee Description

Burglary [F/1]	Amount	Paid	Balance
Fine	0.00	0.00	\$0.00
Luzerne County Cost Traffic	135.28	135.28	(\$0.00)
State Costs (Act 204) Felony	9.39	9.39	\$0.00
State Costs (Act 167) Felony	14.08	0.48	\$13.60
State Domestic Violence Costs	10.00	0.00	\$10.00
State Crime Victims Comp Costs	15.00	0.00	\$15.00
State Crime Commission Costs	15.00	0.00	\$15.00
C of C Filing Fee	75.00	0.00	\$75.00
State JCP Felony	5.00	0.00	\$5.00
Firearm (Act 158)	5.00	0.00	\$5.00
<b>Total Costs for this Charge:</b>	<b>283.75</b>	<b>145.15</b>	<b>\$138.60</b>
	<b>Total Fines and Fees:</b>		<b>\$283.75</b>
	<b>Total Paid to Date:</b>		<b>\$145.15</b>
	<b>Total Amount Owed:</b>		<b>\$138.60</b>

Date: 7/17/2000

Witness Clerk

Check or Money Order made payable to: CLERK OF COURTS can be mailed to:  
 Clerk of Courts Office  
 N. River Street  
 Luzerne County Courthouse  
 Wilkes-Barre, PA 18711  
 We also accept Visa, MasterCard, Discover and MAC.

Exhibit 1

DC-135A

ENTERED

COMMONWEALTH OF PENNSYLVANIA

DEPARTMENT OF CORRECTIONS

JULY 24 2000

INMATE'S REQUEST TO STAFF MEMBER

INSTRUCTIONS

BOOKKEEPING

Complete Items Number 1-7. If you follow instructions in preparing your request, it can be disposed of more promptly and intelligently.

1. TO: (NAME AND TITLE OF OFFICER)

Inmate Accounts Office

2. DATE  
7-12-00

3. BY: (INSTITUTIONAL NAME AND NUMBER)

Dennis Bass, DW-6560

4. COUNSELOR'S NAME  
Mr. Smith

5. WORK ASSIGNMENT

Allowance

6. QUARTERS ASSIGNMENT

CB-1054

7. SUBJECT: STATE COMPLETELY BUT BRIEFLY THE PROBLEM ON WHICH YOU DESIRE ASSISTANCE. GIVE DETAILS.

There is an Error in my Inmate File.  
 I possess information that my Act 84 is NOT PAID.

I Do owe Restitution of \$ 165.00, But 0.00  
 I have paper work showing I owe \$ 283.75  
 In Court Fees.

Please PAY the Court the remainder of  
 what I owe, \$ 283.75

I will include envelope, letter to Clerk and  
 A Filled Cash Slip.

Please return this Request, stating my Request  
 has been fullfilled. Thank You! S. Switzer

8. DISPOSITION: (DO NOT WRITE IN THIS SPACE)

Your request has been fullfilled.

7/26/00

\$ 283.75

Luzerne Co. Courthouse

CL # 38941

S. Switzer  
 Bookkeeping

 TO DC-14 CAR ONLY

7/26/00

 TO DC-14 CAR AND DC-15 IRS

STAFF MEMBER

DATE

(Exhibit L - pg 6 of 6)

ROBERT E. KELLY  
CLERK OF COURT  
LUZERNE COUNTY  
00 AUG -7 AM 11:59

In the Supreme Court of Pennsylvania  
Eastern District

Proof Of Service

I, Dennis Bass the undersigned petitioner hereby certify that; One true and correct copy of 1) Petition for Order to Produce Post Conviction Relief Act Judgement from Respondent, And/or Reversal of (Criminal Charges, And 2) Motion to Amend And Update, Writ of Mandamus and/or Extra-ordinary Relief, and leave to Proceed In Forma Pauperis, And 3) Proof of Service,

was served upon the parties listed below by First Class Mail.

Service was made this 2nd day of August, 2000, placed into the facility mail box at Rockview State Correctional Institution.

Parties:

Supreme Court of PA.  
Eastern District  
468 City Hall  
Philadelphia, PA 19107

(And)

Court of Common Pleas  
of Luzerne County  
200 N. River Street  
Wilkes-Barre PA 18711

August 2, 2000

(S) Dennis Bass - Pro-se  
Dennis Bass - DW6560  
Box A Rockview S.C.I  
Rall Lane PA 16822-00

Case No. - 131 of 1998

Dennis BASS  
DW-6560  
Rockview S.C.I.  
Box A  
Bellefonte, PA  
16823-0820

Date, June 21, 1998

Luzerne County Court House  
200 North River Street  
Wilkes-Barre PA 18711-1001

Dear Clerk of the Court,

Please Take Notice;

The above named, is notifying  
Luzerne County Court of an address change  
and transfer.

Please inform all parties of this  
newly changed information.

Thank You!

P.S.

Also, Please inform me  
of the status of my  
Pro Se Submission

D.B.

Very Truly Yours,  
(S) Dennis BASS

Dennis BASS  
DW-6560  
Rockview S.C.I.

COMMONWEALTH OF PENNSYLVANIA

vs.

DENNIS BASS,  
Defendant.

: IN THE COURT OF COMMON PLEAS  
: OF LUZERNE COUNTY  
:  
: CRIMINAL DIVISION  
:  
: NO.: 131 OF 1998

ORDER

AND NOW, this 19<sup>th</sup> day of January, 2000, at 11<sup>30</sup> o'clock, A.M. upon  
consideration of the foregoing Motion, it is hereby ORDERED, ADJUDGED and DECREED  
that the defendant, DENNIS BASS, shall receive credit of time served from the date of his arrest  
on December 20, 1997 until the date of his release on ROR Bail on January 22, 1998.

BY THE COURT:

Isaee

J.

00 JAN 21 AM 9:17  
Luzerne County  
Criminal Division  
Common Pleas Court  
Pennsylvania

(12)

COMMONWEALTH OF PENNSYLVANIA

vs.

DENNIS BASS,  
Defendant.

: IN THE COURT OF COMMON PLEAS  
: OF LUZERNE COUNTY

: CRIMINAL DIVISION

: NO.: 131 OF 1998

**MOTION TO RECEIVE CREDIT FOR TIME SERVED**

**TO THE HONORABLE, THE JUDGES OF SAID COURT:**

The Motion of Dennis Bass, by and through his court appointed counsel, **SAMUEL A. FALCONE, JR., ESQUIRE**, respectfully represents as follows:

1. The defendant is Dennis Bass, an adult individual, presently incarcerated in the State Correctional System with an address as follows: DW-6560 Rockview SCI, Box A, Bellfont, Pennsylvania 16823-0820.
2. On December 1, 1998, following a jury trial, the defendant was found guilty of count 1, (burglary) count 2, (resisting arrest) and count 3 (theft by unlawful taking or disposition).
3. Sentencing was scheduled for Friday, January 8, 1999 and a Pre-Sentence Investigation was ordered by the court.
4. The defendant was sentenced to a minimum twenty (24) months to a maximum forty eight (48) months on the burglary and a minimum six (6) months to a maximum twelve (12) months on the resisting arrest with the conviction for theft merging for sentencing purposes.
5. The defendant was originally arrested on December 20, 1997 and lodged in the Luzerne County Correctional Facility with charges being filed to the above term and number.
6. On January 22, 1998 pursuant to a Petition to Modify Bail, the defendant's bail was

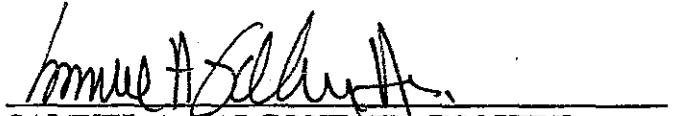
reduced to Five Thousand Dollars ROR with the participation pre-trial services of Luzerne County.

7. From December 20, 1997 until and through January 22, 1998 the defendant was incarcerated pending bail at the Luzerne County Correctional Facility.

8. The defendant should have received credit for time served from the date of his arrest until his release prior to trial. A true and correct copy of the front page of the Pre-Sentence Investigation which confirms the defendant's confinement prior to sentence is attached hereto and marked Exhibit "A."

**WHEREFORE**, the defendant respectfully requests this Honorable Court enter an Order directing that Petitioner be given credit for time served from December 20, 1997 until January 22, 1998.

RESPECTFULLY SUBMITTED:

  
**SAMUEL A. FALCONE, JR., ESQUIRE**  
**490 NORTH MAIN STREET**  
**SUITE 202**  
**PITTSTON, PA 18640**  
**COURT APPOINTED COUNSEL FOR THE**  
**DEFENDANT**

COMMONWEALTH  
IN THE COURT OF COMMON  
CRIMINAL DIVISION

00 APR 10 PM 12:26

Commonwealth of Pennsylvania

In the Court of Common

VS

Plaints of Luzerne County

Dennis BASS

Criminal No; 131 of 1998

Motion for; Order granting Defendant Certified Transcript Copies

TO THE HONORABLE JUDGES of SAID COURT

The Motion of the Defendant, Dennis  
BASS, Represented by; Mr. S. Falcone, Jr., Esquire,  
submitted Pro-Se, for the purpose therein,  
respectfully submits the following;

1) The Defendant in the above captioned  
matter, having filed a (Pro-Se) Motion for Post  
Conviction Collateral Relief, on; April 6, 1999, At,  
Luzerne County Courthouse, respectfully requests  
the Production of, And to receive, the Trial

Transcripts and Records (Arrest), Jury Transcripts, and Sentencing Transcripts, for; the Trial date December 1, 1998, and Sentencing date; January, 8, 1999, for the captioned case.

2) The attached copy of/is an Order to Reproduce the Trial and Sentencing Transcripts as was Ordered by; Honorable Judge Conahan, on; April 20, 1999.

3) Defendant respectfully requests to receive Certified Transcripts of the above captioned case.

4) Defendant requested for; said Transcripts within the filed; Motion for Post Conviction Collateral Relief of; April 6, 1999, and

has requested said Transcripts And records from the Defendant's Appointed conflict counselor; Mr. Sam Falcone, Jr., Esq. (Attached)

5) As to the date, and signing of this Requested Motion, Defendant has received "NO" copies, records or Certified Transcripts, of/in the above captioned CASE, And

6) Defendant has received "NO" indication or communication by Luzerne County Court, nor by the Defendant's Appointed conflict counselor; Mr. Sam Falcone, Jr., Esquire, As to the status of the Pro-Se filed Motion for Post Conviction Collateral Relief of April 6, 1999. The only indication is the Attached Order by Judge

Conahan dated April 20, 1999.

7) Defendant believes the lack of said Transcripts may and will deny Defendant fair, legal and accurate access to the Courts, as a Lay-man of the law.

8) Defendant wishing to file supporting and other motions to the Courts.

Therefore, Defendant respectfully requests an Order to be filled requesting and requiring Certified Transcripts and records, be afforded and granted to the below addressed Defendant.

Date: April 7, 2000

Very Truly Yours,  
(S) Dennis Bass  
Dennis Bass, DW-6560  
Box A, Rockview S.C.I  
Bellefonte, PA 16823-0820

RECEIVED, MAIL  
CLERK OF COURT  
CRIMINAL DIVISION  
117TH DISTRICT COURT

COMMONWEALTH OF PENNSYLVANIA, <sup>00 APR 10 2001</sup> IN THE COURT OF COMMON

V.S.

: PLEAS OF LUXERNE COUNTY

DENNIS BASS

: CRIMINAL NO; 131 of 1998

Notice of Motion Submission and Service

TO THE HONORABLE JUDGES AND CLERKS OF SAID COURT

The Defendant in the above captioned Criminal matter, submits the enclosed Motion, to receive Certified Transcripts And records.

The Defendant respectfully submits this Motion, via, Certified Mail, Return Receipt on; April 7, 2000, being placed into the Mail Box at Rockview S.C.I., Box A, Bellefonte, PA, 16823-0820.

The Defendant swears to the original Signature listed below.

Date: April 7, 2000

(5) Dennis Bass

Dennis Bass, DW-6560

Box A, Rockview S.C.I.

Bellefonte PA 16823-0820

Enclosed: Cover Notice(1), Motion for Transcripts(4),  
Judge Conahan Order(1), Conflict Attorney Letters(5),  
Def. Letter to Conahan(2), And Def Letters to Attorney

COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON PLEAS  
vs. : OF LUZERNE COUNTY  
DENNIS BASS, : CRIMINAL DIVISION  
Defendant. : NO.: 131 OF 1998

**MOTION FOR ORDER TO TRANSCRIBE RECORD**

The defendant, DENNIS BASS, in the above captioned matter having filed a Pro-se Motion for Post Conviction Collateral Relief on April 6, 1999, requests reproduction of the following portions of the trial record in the above-captioned case by and through his court appointed conflict counsel:

1. Trial: including openings, testimony (including sidebar conferences), evidentiary hearings during trial, closings, court's charge (including jury questions and responses thereto), and jury poll (December 1, 1998);
2. Sentencing: including court colloquy (January 8, 1999).

**ORDER**

AND NOW, this 20 day of April, 1999, the court stenographer of Luzerne County is directed to transcribe those portions of the trial record as marked above and to file the same with the Clerk of Courts with costs to be paid by the County of Luzerne.

APR 20 It is further ORDERED that copies of this ORDER shall be served upon the trial court, the District Attorney of Luzerne County and the court stenographer.

BY THE COURT:

S/Conahan

J.

SAMUEL A. FALCONE, JR., ESQUIRE  
490 NORTH MAIN STREET  
SUITE 202  
PITTSTON, PA 18640  
(570) 654-4643

March 16, 1999

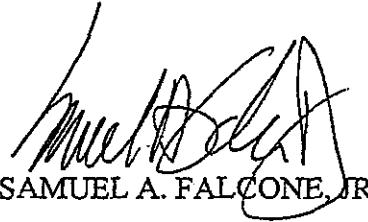
Mr. Dennis Bass  
Luzerne County Correctional Facility  
99 Water Street  
Wilkes-Barre, PA 18702

RE: Commonwealth v. Dennis Bass  
No.: 131 of 1998

Dear Mr. Bass:

I am in receipt of an Order dated match 5, 1999 wherein I was appointed to represent you as conflict counsel in the above referenced matter. Please advise me in writing of any issues you wish for me to review on your behalf.

Very truly yours,



SAMUEL A. FALCONE, JR.

SAFJR:mcw

SAMUEL A. FALCONE, JR., ESQUIRE  
490 NORTH MAIN STREET  
SUITE 202  
PITTSTON, PA 18640  
(570) 654-4643

March 30, 1999

Mr. Dennis Bass  
L-B 38  
DW-6560  
Camp Hill, SCI  
P.O. Box 200  
Camp Hill, PA 17001-0200

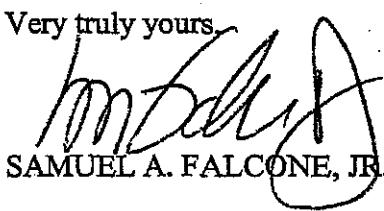
RE: Commonwealth v. Dennis Bass  
No.: 131 of 1998

Dear Mr. Bass:

I am in receipt of your letter dated March 22, 1999 regarding the above referenced matter. So you are aware, I was previously notified that your mailing address was at the Luzerne County Correctional Facility. Accordingly, I sent you a letter date March 16, 1999 to your former address which has not been answered. In any event, I am providing you with a copy of that letter so you can keep the same for your file.

Additionally, I am requesting that you advise me of any legal issues you wish for me to review for you in my role as court appointed conflict counsel in this matter. So you are aware, prior to my appointment, many of the time periods to file appeals had already expired. I shall await your reply before taking any further action in this matter.

Very truly yours,

  
SAMUEL A. FALCONE, JR.

SAFJR:ls

SAMUEL A. FALCONE, JR., ESQUIRE  
490 NORTH MAIN STREET  
SUITE 202  
PITTSTON, PA 18640  
(570) 654-4643

April 9, 1999

Mr. Dennis Bass  
Luzerne County Correctional Facility  
99 Water Street  
Wilkes-Barre, PA 18702

Re: Commonwealth v. Dennis Bass  
No.: 131 of 1998

Dear Mr. Bass:

I received your letter dated March 31, 1999. You indicated that you did not receive a copy of the letter to you dated March 16, 1999. Therefore, I am again enclosing a copy of the same for your reference. In any event, in your March 31, 1999 letter you indicated that you were going to submit a Petition for Post Conviction Collateral Relief. I am requesting that you send the same to me for filing. Otherwise, it will only be sent to me from the Clerk of Courts Office and several weeks may pass in the meantime.

Upon my receipt and review of your proposed Petition, I will either file the same as prepared or amend and then file the same requesting a hearing date.

I am preparing a motion which will request that the Court enter an Order directing the transcription of the trial in this matter.

However, I am compelled to inform you that in the event your questions or concerns are regarding your sentence, please be advised that the sentence you received was consistent with and in accordance with the sentencing guidelines.

Nonetheless, I will await further reply from you before taking any additional steps other than those set forth above.

Very truly yours,

  
SAMUEL A. FALCONE, JR.

SAFJR:nr  
Enclosure

**SAMUEL A. FALCONE, JR., ESQUIRE**  
**490 NORTH MAIN STREET**  
**SUITE 202**  
**PITTSTON, PA 18640**  
**(570) 654-4643**

April 23, 1999

Mr. Dennis Bass L2 - B38  
DW - 6560  
Camp Hill, S.C.I.  
PO Box 200  
Camp Hill, PA 17001-0200

RE: Commonwealth of Pennsylvania v. Dennis Bass  
No.: 131 of 1998

Dear Mr. Bass:

Enclosed you will find a time stamped copy of the Motion for Order to Transcribe Record and Order attached thereto. Once I am in receipt of the transcript I will be better able to review the merits of a Post Conviction Collateral Relief Petition.

Very truly yours,

SAMUEL A. FALCONE, JR.

SAFJR:mcw  
Enclosure

Date; August 26, 1999

Case # 131 of 1998  
Dennis Bass, DW-6560  
Box A, Rockview S.C.I.  
Bellefonte, PA 16823-0820

Judges Chambers, Judge Conahan  
Luzerne County Court House  
200 North River Street  
Wilkes-Barre, PA 18711-1001

Dear, Honorable Judge Conahan,

I write to you out of my own confusion,  
And I do not know where, my Conflict Counselor  
Attorney Mr S. Falcone, Jr., is?

I have written to my Attorney on several  
occasions and have not received any reply.  
The last letter I received from my Attorney was;  
April 23, 1999. I have written 3-4 times after April 23.

On April 20, 1999, (Yourself) the Honorable  
Judge Conahan, ordered the reproduction of the  
trial record (see included), prompted by my  
Pro-se Motion for Post Conviction Collateral Relief  
on April 6, 1999.

I have a desire to speak to my Attorney  
about my submitted Motion. My marriage is in  
troubled waters and has deeply perplexed me. I need  
to know, if the Motion was fully Accepted or not  
I need to know if there is a chance of me  
saving my marriage, or has my whole life been  
upset by this matter?

(2)

All I want to know is; whether or not I can tell my wife that this matter is being reconsidered?

Please, Honorable Judge Conahan, accept my submission on it's layman's value. It is/was the best I could do based on my memory of the December 1, 1998 trial of approx-25 minut

I believe in my heart I did not do this crime. My only foolishness is being intoxicated thinking I could get away with something by picking up property that didn't belong to me, And being irrational at the time of Arrest.

At this time, I am feeling abandon by my Conflict Counsel; Mr S. Falcone, Jr. As my Counsel does not reply to my writings.

Very Truly Yours  
(S) Dennis Bass

Dennis Bass

DW-6560

Box A Rockview S.C.I.  
Bellefonte, PA

16843-084

**SAMUEL A. FALCONE, JR., ESQUIRE**  
490 NORTH MAIN STREET  
SUITE 202  
PITTSTON, PA 18640  
(570) 654-4643

February 3, 2000

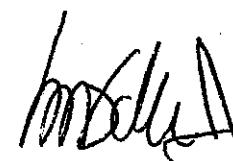
Mr. Dennis Bass  
DW-6560  
Rockview S.C.I., Box A  
Bellefonte, PA 16823-0820

RE: Commonwealth vs. Dennis Bass

Dear Mr. Bass:

As you are now aware, I have filed an Order executed by Judge Toole which clarifies the credit for time served issue previously raised by you. As you can see, this Order was certified and served upon the acting records supervisor for the prison. I trust that this addresses all of your questions and concerns relative to the above referenced matter. However, if upon receipt hereof you have any questions or are requesting any further action on my behalf, please advise immediately.

Very truly yours,



SAMUEL A. FALCONE, JR.

SAFJR:mcw

February 10, 2000

Dennis Bass, DLJ-6560  
Box A, Rockview S.C.I.  
Bellefonte, PA. 16803-0820

Mr. Samuel A. Falcone Jr., Esq.  
490 North Main Street, Suite 202  
Pittston, PA 18640

Dear Mr. Falcone,

I received your Feb. 3rd letter, And I wish to thank you for completing my requested Time Credit.

Also, in your Feb. 3rd. letter I'm asked, if I have any questions, or request any action to Advise you.

My last letter to you, dated Jan 31, or Feb 1, asks;

- 1) Was my original (self submitted) motions for, Transcripts, Late Filing of Appeal, And Appeal, Accepted by the Court? And
- 2) If not to question #1, Did you perfect and properly submit my desired Appeal?
- 3) If yes to questions #1 or #2,
  - A) I Am requesting a copy of my Transcripts, And
  - B) Do we have an Appeal Hearing Date?

I know I promised not to flood your office with letters and I will not. I would like if you would respond to these questions. I have been waiting since April 9, 1999 for your professional and knowledgeable response to my Appeal Petition, AS indicated by this, your April 9th letter.

I still believe in my petition (Appeal) is the truth. A my trial was to short (35 min.), And the mistakes of my Defender and the Honorable Judge, are to blatant to uphold conviction. Thank You! Very truly yours, Dennis B

March 20, 2000

Dennis Bass DW-656  
Box A, Rockview S.C.  
Bellefonte, PA 16823-0000

Mr. Samuel A. Falcone Jr., Esquire  
490 North Main Street, Suite 202  
Pittston, PA 18640

Dear Attorney, Mr Falcone,

I wrote to your Office on, Feb. 10, 2000. I was responding to your letter of Feb. 3, 2000. Since my last letter, Feb 10, 2000, I have received none of the information/answers, to my questions asked of you.

I understand that responding may take some time. But I am beginning to believe that you are not giving this matter of my appeal, the proper attention. Also, considering your lacking desire to reply to my letters, in somewhat, a timely manner.

Please don't misunderstand this letter. I hold no ill-feelings. I don't know what is going-on with my Appeal. It is not my intention to push away a good and experienced Attorney. But, if there is anything that is preventing you, from filling your responsibility to this, my Appeal. Please inform the proper channels.

If there are no practical or Ethical problems? Then, Please inform me of my Appeal's Status, and the listed questions on my Feb 10, 2000 letter.

Thank You!

Very truly yours,  


## COMMONWEALTH OF PENNSYLVANIA

v.

DENNIS BASS,  
DEFENDANT.

IN THE COURT OF COMMON PLEAS  
OF LUZERNE COUNTY  
CRIMINAL DIVISION  
NO. 131 of 1998

**ORDER**

hereby ORDERED that SAMUEL A. FALCONE, JR., ESQUIRE, be allowed to withdraw as court appointed conflict counsel and that Brian Coecora, Esquire, be appointed to represent the defendant in the above-captioned matter.

BY THE COURT:

ROBERT P. REILLY  
CLERK OF COURT  
CRIMINAL DIVISION  
LUZERNE COUNTY  
00 JUN 28, PM 3:16

(14)

COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON PLEAS  
v. : OF LUZERNE COUNTY  
DENNIS BASS, : CRIMINAL DIVISION  
DEFENDANT. : NO. 131 of 1998

**PETITION FOR APPOINTMENT OF SUBSTITUTE CONFLICT COUNSEL**

**TO THE HONORABLE, THE JUDGES OF SAID COURT:**

The petitioners, by and through his counsel, **SAMUEL A. FALCONE, JR., ESQUIRE**, hereby request appointment of substitute conflict counsel in support thereof aver as follows:

1. On or about March 5, 1999, Samuel A. Falcone, Jr., Esquire, was appointed to represent the defendant in connection with the above-referenced matter.
2. In a letter dated May 25, 2000, the defendant, Dennis Bass, alleges current counsel's ineffectiveness.
3. As a result, there is an irretrievable breakdown in the attorney client relationship.

**WHEREFORE**, the defendant, by and through his counsel, respectfully request this Honorable Court issue an order authorizing the appointment of substitute conflict counsel and allowing Samuel A. Falcone, Jr., Esquire, to withdraw from further representation of the defendant, Dennis Bass.

RESPECTFULLY SUBMITTED,

BY:

  
**SAMUEL A. FALCONE, JR., ESQUIRE**  
**490 NORTH MAIN STREET**  
**SUITE 202**  
**PITTSTON, PA 18640**  
**(570) 654-4643**  
**COURT APPOINTED COUNSEL FOR**  
**THE DEFENDANT.**

131-98.

In The Supreme Court of Pennsylvania  
Eastern District

ROBERT F. COLE  
CLERK OF THE COURT  
SUPREME COURT OF PENNSYLVANIA  
LAW LIBRARY  
1511 SPRUCE STREET  
PHILADELPHIA, PA 19103  
TEL: 215-662-1500  
FAX: 215-662-1501  
E-MAIL: [LCR@PA.GOV](mailto:LCR@PA.GOV)

Dennis Bass,  
Petitioner :  
VS : No. 0116 M.D.  
: 2000  
Court of Common Pleas :  
of Luzerne County :  
Respondent :

Petition for Order to Produce Post Conviction  
Relief Act Judgement from Respondent And/or  
Reversal of Criminal Charges

To the Honorable, The Chief Justice, and  
Justices of the Supreme Court;

I, Dennis Bass, the Petitioner  
Pro-se, in the above captioned; Writ  
of Mandamus and/or Extraordinary  
Relief - filed; June 30, 2000, hereby  
make this Petition and respectfully  
represents the following;

1) Petitioner has received the non-response from the Respondents, dated and serviced on July 26, 2000, by; Mr. D.M. Donaldson, Esq. - Chief of Litigation from the Administrative Office of Pennsylvania Courts. (Attached.)

2) Petitioner believes trial transcripts of Petitioner's December 1, 1998 trial are Public Records of the people and secured by the Court's Authority, And such records are not owned by any single party, thereby requiring payment to release such records.

3) That such records should be

immediately Accessable for Public  
And/or Administrative Viewing, when  
requested, in the pursuit of justice.

4) If, Petitioner is incorrect  
And such records are not Public, then  
such records are Private.

5) Petitioner believes that such  
private records are to be securely  
stored, And are the responsibility  
of the Administration that pro-created  
such records.

6) Petitioner believes that any  
non-Authority having possession of  
private records, over And above

the proper authority, is in violation of Privacy Laws and Acts, including Freedom of Information.

7) Petitioner believes the unfulfilled Order to Transcribe Record, dated April 20, 1999 signed by Honorable Judge Conahan of Luzerne County Court of Common Pleas / The Respondents, have and has denied Petitioner fair, timely and accurate access to the courts. (Listed as Exhibit - D)

8) Petitioner believes the Respondents and Counselors appointed to this Petitioner by the Respondents, have failed to

notify this Petitioner of the said courts failure to produce Certified Transcripts, after fifteen (15) months from the date of Honorable Judge Conahan's Order.

9) Petitioner believes the Administrative Procrastination of the Respondents should not be allowed to prevent Petitioner from timely judicial remedy.

10) Petitioner believes these Certified Transcripts will insure Petitioner a just review, providing these Transcripts have not themselves

become corrupted, being outside of the Respondents care And Authority.

11) Petitioner believes there are other records that have been requested in Petitioners Prose PCRA, as listed on Exhibit-Motion; A page 8 of 9 (Attached) That can prove Petitioners filed claims.

12) Petitioner believes the Respondents are acting with the intent to deny this Petitioners Constitutional Right to "Exhaust Remedy" as required by the higher courts.

13) The Respondents have ignored Petitioners PCRA- filed; April 6, 1999,

And now claim the Respondents  
can not fulfill their very own  
Court Order, After fifteen (15) months.

14) Petitioner believes this is  
the "strategy of procrastination".  
15) Petitioner believes that any  
motions in any higher court are  
deemed "Mute", After Petitioners  
Maximum Expiration of Sentence.

16) Petitioner believes the higher  
courts are "Back Logged" with  
pending cases. Taking up to; 2  
to 4 years, to have a case heard.

17) Petitioner believes he will

not have time to pursue this matter in a higher court to its completion. Petitioners Max. Exp. Date being; December 14, 2002.

18) Petitioner believes Any Amount of incarcerated time "not permitted review" in a timely manner, constitutes an illegal act against that citizen and against the United States Constitution.

19) Petitioner in this matter only seeks justice by the Burden of Proof.

20) Petitioner believes Black Out-Intoxication is not a trial defense,

Nor is it grounds to prove guilt for burglary.

21) Petitioner remembers nothing of the incident/crime. Petitioner must also rely on the same fact finders as the trial court, (ie: Testimony, Police Testimony and Lab Reports), or the Burden of Proof provided.

22) During Petitioner's trial on December 1, 1998 it was not proven to Petitioner that, the actual crime of burglary was committed by him.

23) Petitioner desires closure, as this incarceration is very hurtful

And causes confusion within this Petitioner.

24) Petitioner believes this incarceration is from a corrupted conviction, as it was to be solely the responsibility of the prosecution to prove Petitioner's guilt.

25) Petitioner believes, it was not within the discretion of the presiding judge to prove Petitioner's guilt during trial, by authoritatively charging a Jury of Lay-men to find Petitioner guilty on non-evidentary defense strategy.

26) Petitioner believes the charge of Burglary should be reversed, and Theft - Possession of Stolen Property, be implemented, releasing Petitioner to Time Served.

Therefore, Petitioner respectfully requests the Supreme Court of the Eastern District of Pennsylvania to;

A) Order Respondents to make and Surrender their Judgement of Petitioners PCRA and to Surrender Certified Transcripts and/or other records on file to the Petitioner, or

B) Order Respondents to

surrender. An immediate reversal  
of the burglary conviction, thereby  
releasing Petitioner from the  
constitutionally incorrect incarceration  
and,

Whatever other relief the  
Justices of the Supreme Court  
deem Just and Proper.

Respectfully Submitted,  
August 2, 2000 (S) D. Bass - Pro se  
Dennis BASS, DW-6560  
Box A, Rockview S.C.I.  
Bellefonte, PA. 16823-0820

SUPREME COURT OF PENNSYLVANIA



ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS  
1515 MARKET STREET, SUITE 1414  
PHILADELPHIA, PENNSYLVANIA 19102  
(215) 560-6300

July 26, 2000

Irene Bizzoso, Esquire  
Deputy Prothonotary - Middle District  
Supreme Court of Pennsylvania  
434 Main Capitol  
Harrisburg, PA 17108

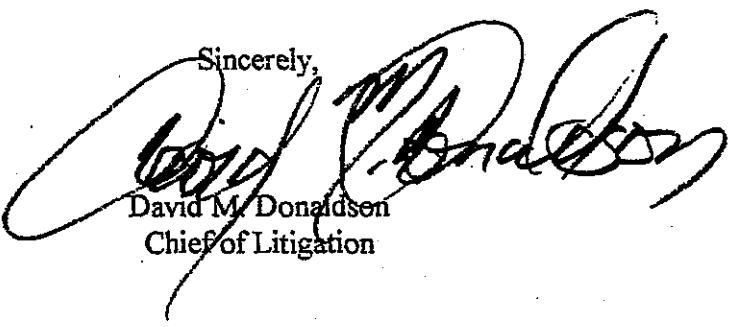
RE: Dennis Bass vs. Court of Common Pleas of Luzerne County  
No. 0116 M.D. Miscellaneous Docket 2000

Dear Ms. Bizzoso:

This is to advise you that we will not be filing a formal response in the above-captioned matter. Luzerne County no longer employs the court stenographer that took the testimony, however, the county is in the process of having him transcribe the notes as quickly as possible, in compliance with the court order.

Enclosed is my entry of appearance and proof of service. Thank you for your attention to this matter.

Sincerely,

  
David M. Donaldson  
Chief of Litigation

Enclosures

cc: Hon. Michael T. Conahan  
Mr. Dennis Bass

(Attached)

COMMONWEALTH OF PENNSYLVANIA

: IN THE COURT OF COMMON PLEAS  
: OF LUZERNE COUNTY

vs.

: CRIMINAL DIVISION

DENNIS BASS,

: NO.: 131 OF 1998

Defendant.

**MOTION FOR ORDER TO TRANSCRIBE RECORD**

The defendant, DENNIS BASS, in the above captioned matter having filed a Pro-se Motion for Post Conviction Collateral Relief on April 6, 1999, requests reproduction of the following portions of the trial record in the above-captioned case by and through his court appointed conflict counsel:

1. Trial: including openings, testimony (including sidebar conferences), evidentiary hearings during trial, closings, court's charge (including jury questions and responses thereto), and jury poll (December 1, 1998);
2. Sentencing: including court colloquy (January 8, 1999).

**ORDER**

AND NOW, this 20 day of April, 1999, the court stenographer of Luzerne County is directed to transcribe those portions of the trial record as marked above and to file the same with the Clerk of Courts with costs to be paid by the County of Luzerne.

*3/19/20*  
It is further ORDERED that copies of this ORDER shall be served upon the trial court, the District Attorney of Luzerne County and the court stenographer.

BY THE COURT:

S/Conahan

J.

**Exhibit-D**

disclosure of Defendants Criminal  
Files including; Arrest Reports,  
Court Reports, Discovery Motion,  
Trial Transcripts, Deliberation  
Transcripts, Police Reports (Lab.),  
Hospital Reports of December 20, 1997  
And Any other file not mentioned  
Above.

14. Defendant also respectfully  
requests the deletion of any  
information that may be deemed a  
potential threat any persons  
security and well-being.

Exhibit-Motion; A, page 8 of 9

In the Supreme Court of Pennsylvania  
Eastern District

Dennis Bass

Petitioner

VS

No 0116 M.D. 8  
2000

Court of Common Pleas  
of Luzerne County,  
Respondent

ROBERT C. BASS  
CLERK OF COURT  
LAW LIBRARY  
Luzerne County  
PA 17701-58

Motion to Amend and Update;  
Writ of Mandamus And/or Extraordinary Relief, And  
Leave to Proceed In Forma Pauperis

To the Honorable, The Chief Justice And  
Justices of the Supreme Court:

I, Dennis Bass the Petitioner

Pro se, in the above captioned case,

hereby make this Motion to Amend  
and Update the above said Writ

and Application, and respectfully  
submits the following and represents;

1) Petitioner Amends and updates the following information and understands that false statements herein are made subject to the penalties of 18 PA. C.S.A. 4904, relating to unsworn falsification to Authorities.

2) Within the Petition for Writ of Mandamus and/or Extraordinary Relief- filed; June 30, 2000, listed on Attached Exhibit E- pgs. 9 and 10, of 10 the Petitioner has taken action against Court Appointed Conflict Counselor; Mr. S. Falcone, Esq. (See Exhibit H - pgs 4 of 4 )

- 3) Mr. S. Folcone, Esq. files Petition for Appointment of Substitute Conflict Counselor and is withdrawn. Replaced by; Mr Brian Corcoran, Esq., as Petitioners Appointed Counsel on June 26, 2000 (See Exhibit I - pgs 4 of 4)
- 4) Petitioner writes to Mr. B. Corcoran, Esq. on July 8, 2000. Petitioner has not yet received a reply. (See Exhibit J - pgs 3 of 3)
- 5) Petitioner writes to the Supreme Court on July 9, 2000, discussing future Submissions as a Pro-se Petitioner (See Exhibit K - pgs 3 of 3)

6) On July 11, 2000 the Petitioner receives a 1998 Income Tax Return that was officially claimed lost/stolen. And Petitioner pays the Court Charges And Restitution. (See Exhibit L - pgs 6 of 6)

7) Petitioner believes the Court Charges And Restitution must be paid, and not used against Petitioner during PCRA review, and it is not to be misconstrued as this Petitioners admission to guilt of burglary, by paying restitution.

8) Petitioner prays that the

Application for In Forma Pauperis  
is upheld by the Supreme Court  
and is granted. The money the  
Petitioner now possesses will be  
used for housing, food and clothing  
when Petitioner is eventually released.

9) this 1998 Tax Refund is  
all the money the Petitioner  
has in the world.

Therefore, Petitioner wishes  
to include this information and  
Amend and update the said Writ  
of Mandamus and/or Extraordinary  
Relief - filed; June 30, 2000

And,

To seek whatever other relief  
the Justices of the Supreme Court  
of Pennsylvania deem just and proper.

August 2, 2000

Respectfully Submitted,

(S) Dennis Bass - Pro-se  
Dennis Bass DW6560  
Box A, Rockview S.C.I.  
Bellefonte, PA 16823-0820

Date: June 16, 2000

Dennis BASS, DW-6560  
Box A, Rockview S.C.I.  
Bellefonte, PA, 16823-0820

(Attn: Court Clerk)

Court of Common Pleas of Luzerne County  
200 North River Street  
Wilkes-Barre, PA 18711-1001

Honorable Clerk,

Please file this Pro-se Motion  
Requesting Reappointment of Counsel,  
in Case no. 131 of 1998.

(Service)

The above named Defendant has  
placed the above said motion into  
the facility Mail Box of Rockview S.C.I.,  
on the above date, by First Class Mail.

Respectfully Submitted  
(s) Dennis Bass Pro-se  
Dennis Bass, Defendant

(Exhibit H - pg 1 of 4)

Commonwealth of Pennsylvania : In the Court of Common  
VS. : Pleas of Luzerne County  
Dennis BASS : Criminal No; 131 of 1998

Motion Requesting Reappointment of Counsel

To The Honorable Judges and Clerks of Said Court :

This Motion, submitted Pro-se by ; Dennis  
BASS, the Defendant in the above said matter.

1) Defendant Respectfully Requests the Honorable  
Court to Remove Mr. S. Falcone, Jr. as the  
Defendants Acting Conflict Counselor, based  
upon ; Conflict of Intrests.

2) Mr. Falcone's lacking of the Defendants  
intrests is furthering the Defendants denial  
of Due Process; to accurate court access.

(Exhibit H-pgs 2 of 4 )

3) Defendant has requested ; Action to be taken concerning ; Defendants Motion for Post Conviction Collateral Relief Submitted April 6, 1999 And, Defendant desire to obtain Complete Certified Transcripts of Case ; 131 of 1998, from Arrest, the Trial of December 1, 1998 And Sentencing .

4) Defendant has not received the Above requested Actions by / from Mr. S. Falcone, Jr.

5) Mr. Falcone, Jr. has ignored the Above said intrests of the Defendant .

6) Mr. Falcone, Jr.'s inaction And lack of interaction, serves to bar And prevent

( Exhibit H - pgs 3 of 4 )

the Defendant Due Process, by non-competent, inaccessible and unavailable counsel.

7) Defendant wishing to file accurate Court Motions in other courts.

Therefore, Defendant Respectfully Requests the Court to "Remove" Mr. S. Falcone, Jr., as the Defendants Conflict Counselor, And to appoint an Attorney that Solely Represents the Defendant.

If such an attorney is not available?  
Let it be known to this Defendant.

Date, June 16, 2000  
(Exhibit H - )

Respectfully Submitted  
(S) D.S. Bass

Dennis Bass, DW-6560  
Box A, Rockview S.C.I.  
Bellefonte, PA. 16823-0820

SAMUEL A. FALCONE, JR., ESQUIRE  
490 NORTH MAIN STREET  
SUITE 202  
PITTSTON, PA 18640  
(570) 654-4643

July 5, 2000

Mr. Dennis Bass, DW-6560  
Box A, Rockview S.C.I.  
Bellefonte, PA 16823-0820

RE: Commonwealth v. Dennis Bass  
Nos. 131 of 1998

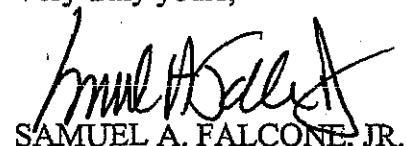
Dear Mr. Bass:

Enclosed please find a copy of an Order of Court signed and dated June 26, 2000 appointing Brian C. Corcoran, Esquire to represent you in the above-referenced matter.

In addition, I am providing you with the mailing address of Attorney Corcoran as follows:

Brian C. Corcoran, Esquire  
400 Third Avenue  
Kingston, PA 18704

Very truly yours,



SAMUEL A. FALCONE, JR.

SAFJR:mcw  
Enclosure

( Exhibit I - pg 1 of 4 )

COMMONWEALTH OF PENNSYLVANIA

v.

DENNIS BASS,  
DEFENDANT.

IN THE COURT OF COMMON PLEAS

OF LUZERNE COUNTY

CRIMINAL DIVISION

NO. 131 of 1998

ORDER

AND NOW, this 27<sup>th</sup> day of June, 2000, at 9 o'clock A.m. it is  
hereby ORDERED that SAMUEL A. FALCONE, JR., ESQUIRE, be allowed to withdraw as  
court appointed conflict counsel and that Brian Corcoran  
\_\_\_\_\_, Esquire, be appointed to represent  
the defendant in the above-captioned matter.

BY THE COURT:

ROBERT J. NELLY  
CLERK OF COURT  
CRIMINAL DIVISION  
LUZERNE COUNTY

00 JUN 28 PM 3:17

( Exhibit I - pg 2 of 4 )

COMMONWEALTH OF PENNSYLVANIA

v.

DENNIS BASS,  
DEFENDANT.

: IN THE COURT OF COMMON PLEAS  
: :  
: OF LUZERNE COUNTY  
: :  
: CRIMINAL DIVISION  
: :  
: NO. 131 of 1998  
: :

**PETITION FOR APPOINTMENT OF SUBSTITUTE CONFLICT COUNSEL**

**TO THE HONORABLE, THE JUDGES OF SAID COURT:**

The petitioners, by and through his counsel, SAMUEL A. FALCONE, JR., ESQUIRE, hereby request appointment of substitute conflict counsel in support thereof aver as follows:

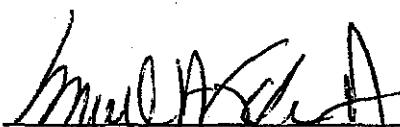
1. On or about March 5, 1999, Samuel A. Falcone, Jr., Esquire, was appointed to represent the defendant in connection with the above-referenced matter.
2. In a letter dated May 25, 2000, the defendant, Dennis Bass, alleges current counsel's ineffectiveness. *(Listed As - Exhibit E pgs 9+10, of 10)*
3. As a result, there is an irretrievable breakdown in the attorney client relationship.

**WHEREFORE**, the defendant, by and through his counsel, respectfully request this Honorable Court issue an order authorizing the appointment of substitute conflict counsel and allowing Samuel A. Falcone, Jr., Esquire, to withdraw from further representation of the defendant, Dennis Bass.

*(Exhibit I - pgs. 3 of 4)*

RESPECTFULLY SUBMITTED,

BY:

  
**SAMUEL A. FALCONE, JR., ESQUIRE**  
**490 NORTH MAIN STREET**  
**SUITE 202**  
**PITTSTON, PA 18640**  
**(570) 654-4643**  
**COURT APPOINTED COUNSEL FOR**  
**THE DEFENDANT.**

(Exhibit I - pgs 4 of 4)

July 8, 2000

Dennis BASS, DW-6560  
Box A, Rockview S.C.I  
Bellefonte, PA 16823-0

Mr. Brian C. Corcoran, Esquire  
400 Third Avenue  
Kingston, PA 18704

Dear Attorney Corcoran,

I received Notice that; You are my "New Court Appointed Attorney".

Let me start by saying "Hello!" And Apologize for some of the harsh statements I am about to make.

I am sorry that my case has fallen upon your lap. My case has fallen across the laps of Mr. Ross, P.D. and Mr. Falcone. Both of whom handled my case with inaction and the lack of interaction. Honestly, it is sometimes easy for me to believe, as trial and error shows, that a court appointed attorney is one of two things; 1) A puppet of the court's, or 2) A person that really don't care about a post-convicted individual, innocent or guilty.

This is becoming, easier and easier, for me to believe. I understand I don't have the money to give you what you deserve. For that, I Am again sorry. I did not choose you, so please don't hold it against me and please don't take it out on my case by inaction.

(Exhibit J- pg 1 of 3)

(2)

If you have or develop problems  
handling this case against Luzerne Court.  
Please let me know, if and when, something  
arises.

The matter of my case means more to me  
than just getting out of prison. It means  
Closure. The closure I need is the factual  
proving, or disproving, that I committed the  
Act of Burglary.

During the Trial of Dec. 1, 1998, if the  
Judges instructions to the Jury were omitted,  
"Prove to Me", I did not commit the crime  
of Burglary.

I know being Black-out drunk is not  
a defense. But I also know, it is not  
cause for guilt. I do not remember anything  
of the incident.

In my heart, with all of my belief, I feel  
I am innocent of the crime of burglary.

This is why I am apologizing for being  
harsh. This issue is very serious to me.

I need an Attorney to stand up with the  
truth against the Court's Authority. I feel  
Luzerne Court needed to find someone guilty, for  
this crime, over and above the law. I was just  
the right fool to walk over to a crime scene  
and pick something up.

I know I bought the initial arrest and  
the attached charges. But I do not deserve

(Exhibit 5-pas 2 of 3)

(3)

the trial I received and the conviction for a crime based upon A Judges instructions and inference, Over and Above, the Prosecutions Burden of Proof that shows me to be innocent of the Burglary Charge.

As soon as you meet with Mr. Falcone and retrieve my Case File. Please ask me whatever questions you need to ask.

Also, No One seems to wish to fulfill my request for Complete Case Records and Certified Transcripts.

Will You, Mr Corcoran, Please grant me this request? If not, Please tell me why?

I will be looking forward to see what posture you take, in end of, this matter.

Hope to here from you soon

Thanks for staying, if that is truly what you want to do?

July 8, 2000

Very Truly Yours,  
(s) Dennis Bass

Dennis Bass DW6560  
Box A, Rockview S.C.I.  
Bellefonte, PA 16823-0820

(Exhibit J-Page 3 of 3)

July 9, 2000

Dennis BASS, DW-6560  
Box A, Rockview S.C.I.  
Bellefonte, PA 16823-0820

Supreme Court of Pennsylvania  
Middle District  
Office of the Prothonotary  
434 Main Capitol Building  
P.O. Box 624  
Harrisburg, PA 17108

RE: 0116 M.D. 2000

Dear Justices of the Supreme Court,

I, Dennis Bass the Petitioner, in the above mentioned Docket, respectfully make the following request for information.

1) Future Submissions from this Petitioner; can not be copied for proper service upon the Respondents. Due to, Petitioner has a negative balance of his inmate account and can not afford proper photo-copies to be made at the cost of .10¢ per copy.

Petitioner prays that the Petition for Leave to Proceed In Forma Pauperis will enable this Petitioner to; Send All future submissions and additional exhibits directly to the Supreme Court for proper distributing and service to; The Supreme Court, The Respondents, and to this Petitioner, returning original exhibits?

Exhibit 1 (13)

(2)

This Petitioner prays for the Supreme Courts forgiveness that Petitioner is destitute.

2) As A Pro-Se Petitioner, the Petitioner is a lay man of the Law, and prays that the Supreme Court bear this in mind.

Petitioner does not understand how to cite CASE LAW, how to find case law and/or how to include case law into the Petitioners writings. Petitioner has tried to find parallel case law and has found nothing precisely corresponding to the Petitioners matter at hand.

Again Petitioner prays for the Supreme Courts forgiveness, and prays that fairness, knowledge, and the law, prevails without the consequence to this Petitioners ignorance.

Thank You, for whatever grantings the Supreme Court of Pennsylvania, and its Justices deem just and proper.

July 9, 2000

Respectfully Submitted, Pro-Se,  
(S) Dennis Bass

Dennis Bass, DW-6560  
Box A, Rockview S.C.I.  
Bellefonte, PA 16823-0820



## Supreme Court of Pennsylvania Middle District

IRENE M. BIZZOSO  
DEPUTY PROTHONOTARY  
  
SHIRLEY BAILEY  
CHIEF CLERK

434 MAIN CAPITOL BUILDING  
P.O. BOX 624  
HARRISBURG, PENNSYLVANIA 17108  
(717) 787-6161  
<http://www.courts.state.pa.us>

TO: Mr. Dennis Bass  
SCI-Rockview, Box A DW6560  
Bellefonte, PA 15370-8090

RE: Correspondence dated July 9, 2000  
0116 M.D. Miscellaneous Docket 2000

DATE: July 13, 2000

---

This is to advise you that we are in receipt of your correspondence dated July 9, 2000, regarding the above captioned matter.

The Court is currently awaiting an answer from the respondent in this case. Upon receipt, it will be forwarded to the Court. Therefore, no further pleadings are required from you until such time as the Court may order.

Very truly yours,

Office of the Prothonotary  
Supreme Court of Pennsylvania

/MAT

## PART I

CLAIM AGAINST THE UNITED STATES  
FOR THE PROCEEDS OF A GOVERNMENT CHECK

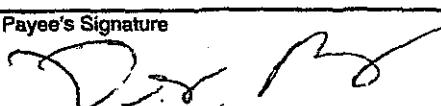
Your Social Security Account Number and the other information are being requested in order that the Department of the Treasury can process your claim for a government check. The authority to consider your claim is found in part, at 31 United States Code, Sections 528, and 561-564. If you cannot or will not furnish the information, the processing of your claim may be delayed. The estimated average burden associated with the collection of information is 10 minutes per respondent or recordkeeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Financial Management Service, Facilities Management Division, Property and Supply Section, Ardmore East Business Center, 3361-L, 75th Avenue, Landover, Md. 20785 or the Office of Management and Budget, Paperwork Reduction Project (1510-0019) Washington, D.C. 20503.

2301-70359489	1070.00	04/02/99
DENNIS P. BASS	AGENCY	
112548736	1070.00	I
89109 0064372/41	NEW	
DENNIS P. BASS BOX A RUCKVIEW S C BELLEFONTE, PA 16823		

WARNING: Title 18, Sec. 287, U.S. Code: "Whoever makes or presents to any person or officer in the civil, military, or naval service, of the United States, or to any department or agency thereof, any claim upon or against the United States, or to any department or agency thereof, knowing such claim to be false, fictitious, or fraudulent, shall be fined not more than \$10,000 or imprisoned not more than five years, or both."

1. Did you receive this check?	No
2. Did you sign your name on this check?	No
3. Did you cash this check?	No
4. Did you deposit this check in a bank, credit union other financial organization? Did someone else deposit this check to an account that you could use?	No
5. Was this check cashed with your permission?	No
6. Did you receive any money or benefit in any way from this check (e.g. household expenses, child support, etc.)? If so, explain, (include amount if known.)	No
7. If your present name is different from that on the face of the check, explain why.	—
8. If you are making claim for this check and it is not made out to you, state your relationship to the payee. Explain why the payee cannot sign.	✓

THIS CLAIM IS MADE FOR THE PROCEEDS OF THE ABOVE CHECK. IF YOU CASH BOTH THE ORIGINAL AND ANY SETTLEMENT CHECKS, THE OVERPAYMENT MUST BE PROMPTLY REFUNDED. FAILURE TO DO SO COULD RESULT IN LEGAL ACTION. BE SURE TO INCLUDE THE ABOVE CHECK AND SYMBOL NUMBERS WITH YOUR REFUND.

<b>SIGN HERE</b>	Payee's Signature 	2nd Payee's Signature (If check drawn to two payees)
Your assigned I.D. No. (SSA, VA, IRS, Etc.)	112548736	2nd Payee's assigned I.D. No. (SSA, VA, IRS, Etc.)
Signature of Witness (ONLY if Payee(s) Signed by Mark)		

PA DEPT. OF CORRECTIONS  
BUREAU OF COMPUTER SERVICES  
REMOTE PRINT TIME 15:25

INMATE ACCOUNTS SYSTEM  
PARTIAL ACCOUNT LISTING  
FROM ACTIVE FILE

RUN IAS365  
DATE 7/20/2000  
PAGE 2

INMATE NAME  
NUMBER LAST FIRST MI  
DW6560 BASS DENNIS

BATCH #	DATE MO	TRANSACTION DESCRIPTION	TRANSACTION BALANCE AFTER AMOUNT TRANSACTION	
			YEAR	
282	06-12-2000	10 MAINTENANCE PAYROLL WAGES - MAY 2000	36.96	26.53
296	06-13-2000	38 INSIDE PURCHASES LIBRARY COPIES - MAY	-.30	26.23
296	06-13-2000	38 INSIDE PURCHASES LIBRARY COPIES - MAY	-.80	25.43
8165	06-13-2000	32 ROC COMMISSARY FOR 6/13/2000	-2.11	23.32
326	06-16-2000	37 POSTAGE JUNE	-6.40	16.92
8172	06-20-2000	32 ROC COMMISSARY FOR 6/20/2000	-16.80	.12
368	06-22-2000	38 INSIDE PURCHASES LIBRARY COPIES - JUNE	-17.60	-17.48
9007	07-03-2000	34 RADIO/TV BASIC CABLE TV AND HBO	-10.85	-28.33
527	07-14-2000	14 MISCELLANEOUS U.S. TREASURY #441157	1,070.00	1,041.67
539	07-17-2000	10 MAINTENANCE PAYROLL WAGES - JUNE 2000	31.73	1,073.40
BALANCE AFTER THESE TRANSACTIONS----->				1,073.40

DC-130B - Rev. 9-15-81	COMMONWEALTH OF PENNSYLVANIA Department of Corrections	E 441157
CASH TRANSACTION RECEIPT		DATE 7/12/00
LOCATION RECEIVED:	VISITING ROOM <input type="checkbox"/> RECEPTION (RO) <input type="checkbox"/>	
GATE <input type="checkbox"/> MAIL <input checked="" type="checkbox"/> CASHIER <input type="checkbox"/> OTHERS <input type="checkbox"/> (DESCRIBE OTHERS)	INSTITUTIONAL NUMBER DW6560	
RECEIVED FROM: → Dennis P Bass	AMOUNT RECEIVED 1070.2	
ADDRESS	RELATIONSHIP	
RECEIVED IN: → U.S. Treasury	OTHERS (DESCRIBE)	
RECEIVED AS: CONTRIBUTION <input type="checkbox"/>	CASH <input type="checkbox"/> MAIL ORDER <input type="checkbox"/> CHECK <input checked="" type="checkbox"/>	OTHERS (DESCRIBE)
SALES OF GOODS <input type="checkbox"/>	SERVICE RENDERED <input type="checkbox"/>	OTHERS (DESCRIBE)
DESCRIPTION OF SALES OR SERVICES		
RECEIVED BY: <i>[Signature]</i>	WHITE - Business Office    YELLOW - Donor    PINK - Inmate    GOLD - Location Received	

(Exhibit L - pg 2 of 6)

DC-135A

ENTERED

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF CORRECTIONS

## INMATE'S REQUEST TO STAFF MEMBER

JUL 12 2000

## INSTRUCTIONS

Complete Items Number 1-7. If you follow instructions in preparing your request, it can be disposed of more promptly and intelligently.

## BOOKKEEPING

1. TO: (NAME AND TITLE OF OFFICER)	2. DATE
Inmate Accounts Office	7-11-00
3. BY: (INSTITUTIONAL NAME AND NUMBER)	4. COUNSELOR'S NAME
Dennis Bass, DW-6560	Mr. Smith
5. WORK ASSIGNMENT	6. QUARTERS ASSIGNMENT
Allowance	CB-1054

## 7. SUBJECT: STATE COMPLETELY BUT BRIEFLY THE PROBLEM ON WHICH YOU DESIRE ASSISTANCE. GIVE DETAILS.

Today I received my 1998 Income Tax of \$1070.00  
 According to my monthly statements I owe Act 84  
 \$118.75 (Court Fees) and \$165.00 (Restitution)  
 Total - \$283.75

20% of \$1070 = \$214.00 (Deducted 20% by Act 84)  
 Remaining Amount = \$69.75 (Deducted by Inmate Request)  
 \$283.75 - Paid In Full

I will include a Cash Slip (DC-135A) to cover the \$69.75  
 Remaining Amount to be paid to the court.

Please send this (DC-135A) Request and a Act 84

## 8. DISPOSITION: (DO NOT WRITE IN THIS SPACE)

Paid In Full Notice to me

when completed.

Thank You!  
 Mr. Bass:

Dee B

Our records indicate your Act 84 has been paid in full. The only figure we received was \$165.00. We have no record of the \$118.75 court costs. If you have other documentation, please contact Luzerne County.

Please see attached print outs.

S. Miller  
 Bookkeeping  
 07-12-00

(Exhibit L - pgs 3 of 6)

TO DC-14 CAR ONLY

TO DC-14 CAR AND DC-15 IRS

STAFF MEMBER

8/10

DATE

7-12-00

DC-300B (PART 1)  
(Rev. 10-35)COURT COMMITMENT  
STATE OR COUNTY CORRECTIONAL INSTITUTION  
Commonwealth of Pennsylvaniavs. DW-6560

BASS, DENNIS

COMMITMENT NAME (LAST, FIRST, INITIAL, SUFFIX)

SEX <input type="checkbox"/> F <input checked="" type="checkbox"/> M	DATE OF BIRTH 1-18-62	SID	OTN E-912928-2	COURT OF INITIAL JURISDICTION <input type="checkbox"/>	COMMON PLEAS <input checked="" type="checkbox"/>
---	--------------------------	-----	-------------------	---	---

COMMITTING COUNTY/MAGISTERIAL DISTRICT Luzerne County	COURT NUMBER	DATE - TERM 131 1998
--	--------------	-------------------------

The above defendant after  pleading guilty  nolo contendre  being found guilty was on 1-8, 19 99 sentenced by Judge/District Justice Patrick Toole, J. to a term of not less than years 24 months days nor more than years 48 months days, or for the offense of Burglary

(Section of the Crimes Code) or (other statute)

It is further ordered that the said defendant be delivered by the proper authority to and treated as the law directs at the SCI facility located at Camp Hill

FINE AMOUNT \$ _____ To Be Paid To: <input type="checkbox"/> COUNTY <input type="checkbox"/> COMMONWEALTH	COSTS AMOUNT \$ _____ To Be Paid By: <input type="checkbox"/> COUNTY <input checked="" type="checkbox"/> DEFENDANT	RESTITUTION \$165.00 within 12 mos of release
--	---	--

CREDIT FOR TIME SERVED (EXPLANATION OF CREDIT COMPUTATION ON REVERSE SIDE)

EFFECTIVE DATE OF SENTENCE

1-8-99

This sentence shall be deemed to run concurrent to any existing sentences, effective the date of imposition unless otherwise stipulated below.

Sentencing: 131/98-Burglary-min. 24 mos. max. 48 mos. SCI- Theft-Requires no sentence. Deft. remanded for classification-1-15-99. Bail pending appeal is denied by the court. Mental health evaluation-treatment. Pay all court costs. No contact with victim or establishment. Restitution \$165.00 within 12 mos. of release. Criminal mischief-merges for sentencing purpose. Deft. advised of all rights. Judge Toole

PROSECUTING ATTORNEY M. Olshefski	DISPOSITION OF NON-INCARCERATION OFFENSE(S)
DEFENSE ATTORNEY C. Ross PD's	
COURT REPORTER K. O'Hearn	

(THIS BLOCK NOT TO BE USED FOR INCARCERATION OFFENSE)

In witness, whereof I have hereunto set my hand and seal of said court, this 3rd day of March 19 99

(SEAL)

CLERK OF COURTS



Date: 7/17/2000  
 Time: 10:09 AM  
 Page 1 of 1

Luzerne County Court of Common Pleas  
 PA COST BILL REPORT  
 1998-CR-0000131-

User: RREILLY

## Commonwealth of Pennsylvania vs. Dennis Dw6560 Bass

Dennis Dw6560 Bass  
 Box A  
 Bellefonte PA 16823

CASE:  
 1998-CR-0000131-

## Charge / Fee Description

Burglary [F/1]	Amount	Paid	Balance
Fine	0.00	0.00	\$0.00
Luzerne County Cost Traffic	135.28	135.28	(\$0.00)
State Costs (Act 204) Felony	9.39	9.39	\$0.00
State Costs (Act 167) Felony	14.08	0.48	\$13.60
State Domestic Violence Costs	10.00	0.00	\$10.00
State Crime Victims Comp Costs	15.00	0.00	\$15.00
State Crime Commission Costs	15.00	0.00	\$15.00
C of C Filing Fee	75.00	0.00	\$75.00
State JCP Felony	5.00	0.00	\$5.00
Firearm (Act 158)	5.00	0.00	\$5.00
<b>Total Costs for this Charge:</b>	<b>283.75</b>	<b>145.15</b>	<b>\$138.60</b>
			<b>Total Fines and Fees:</b> <b>\$283.75</b>
			<b>Total Paid to Date:</b> <b>\$145.15</b>
			<b>Total Amount Owed:</b> <b>\$138.60</b>

Date: 7/17/2000

Witness Clerk

Check or Money Order made payable to: CLERK OF COURTS can be mailed to:  
 Clerk of Courts Office  
 N. River Street  
 Luzerne County Courthouse  
 Wilkes-Barre, PA 18711  
 We also accept Visa, MasterCard, Discover and MAC.

DC-135A

ENTERED

JULY 24 2000

## INMATE'S REQUEST TO STAFF MEMBER

COMMONWEALTH OF PENNSYLVANIA

DEPARTMENT OF CORRECTIONS

## INSTRUCTIONS

## BOOKKEEPING

Complete items Number 1-7. If you follow instructions in preparing your request, it can be disposed of more promptly and intelligently.

1. TO: (NAME AND TITLE OF OFFICER)

Inmate Accounts Office

2. DATE

7-12-00

3. BY: (INSTITUTIONAL NAME AND NUMBER)

Dennis Bass, DW-6560

4. COUNSELOR'S NAME

Mr. Smith

5. WORK ASSIGNMENT

Allowance

6. QUARTERS ASSIGNMENT

CB-1054

7. SUBJECT: STATE COMPLETELY BUT BRIEFLY THE PROBLEM ON WHICH YOU DESIRE ASSISTANCE. GIVE DETAILS.

There is an Error in my Inmate File. I possess information that my Act 89 is NOT PAID.

I Do owe Restitution of \$ 165.00, But 000 I have paper work showing I owe \$283.75 in Court Fees.

Please PAY the Court the remainder of what I owe; \$283.75

I will include envelope, letter to Clerk and a Filled Cash Slip.

Please return this Request, stating my Request has been fullfilled. Thank You! -D

8. DISPOSITION: (DO NOT WRITE IN THIS SPACE)

Your request has been fullfilled.

7/26/00

\$283.75

Luzerne Co. Courthouse

CK # 38941

S. Switzer  
Bookkeeping

 TO DC-14 CAR ONLY

7/26/00

 TO DC-14 CAR AND DC-15 IRS

STAFF MEMBER

DATE

(Exhibit L - pg 6 of 6)

CLERK OF THE COURT  
 CRIMINAL DIVISION  
 JUDICIAL DISTRICT  
 00 AUG -7 AM 11:59

In the Supreme Court of Pennsylvania  
 Eastern District

### Proof Of Service

I, Dennis Bass the undersigned Petitioner hereby certify that; one true and correct copy of 1) Petition for Order to Produce Post Conviction Relief Act Judgement from Respondent, and/or Reversal of Criminal Charges, And 2) Motion to Amend and Update; Writ of Mandamus and/or Extra-ordinary Relief, and Leave to Proceed In Forma Pauperis, And 3) Proof of Service,

was served upon the parties listed below by First Class Mail.

Service was made this 2nd day of August, 2000, placed into the facility mail box at Rockview State Correctional Institution.

### Parties;

Supreme Court of PA.  
 Eastern District  
 468 City Hall  
 Philadelphia, PA 19107

|  
 (And) | Court of Common Pleas  
 of Luzerne County  
 200 N. River Street  
 Wilkes-Barre PA 18711

August 2, 2000

(S) Dennis Bass - Pro-se  
 Dennis Bass - DW6560  
 Box A Rockview S.C.I  
 Rossfonte PA 16823-09

LUZERNE COUNTY  
CLERK OF COURT  
CRIMINAL DIVISION  
LUZERNE COUNTY

#131-1998

01 MAR 19 AM 9:30

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DENNIS BASS,

Petitioner

v.

COURT OF COMMON PLEAS OF  
LUZERNE COUNTY and  
THE ATTORNEY GENERAL OF  
THE STATE OF PENNSYLVANIA,

Respondents

CIVIL NO. 1:CV-01-0082

(Judge Rambo)

(Magistrate Judge Blewitt)

FILED  
HARRISBURG, PA

MAR 16 2001

MARY E. D'ANDREA, CLERK  
Per MM Deputy Clerk

ORDER

Before the court is a report of the magistrate judge to whom this matter was referred recommending that the captioned action filed pursuant to 28 U.S.C. § 2254 be dismissed for failure to exhaust state remedies. Petitioner has filed objections to the report and the matter is ripe for disposition.

On April 6, 1999, Petitioner filed with the Luzerne County Court of Common Pleas a Petition for Post Conviction Relief. By order dated April 20, 1999, the county court ordered transcription of portions of petitioner's trial record. On September 21, 2000, a petition for writ of mandamus and/or extraordinary relief was denied by the Pennsylvania Supreme Court without opinion.

It is almost two years since the order for a transcript was entered. This court has no indication the same has yet to be filed. As the magistrate judge noted, acts of state authorities which in effect make state remedies

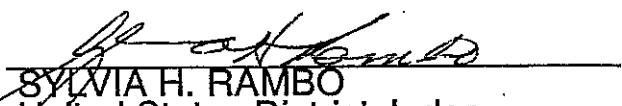
(16)

unavailable to petitioner, Mayberry v. Petsock, 821 F.2d 179, 184 (3d Cir. 1987), cert. denied, 487 U.S. 946 (1987), or where there has been such an "inordinate delay" in state procedures, Hankins v. Fulcomer, 941 F.2d 246, 251 (3d Cir., 1991), may render the state process ineffective and preclude exhaustion.

The failure of state authorities to secure production of petitioner's transcript in order to act upon his petition may make exhaustion of his state remedies unavailable and may amount to inordinate delay.<sup>1</sup>

Accordingly, **IT IS HEREBY ORDERED THAT:**

- 1) Ruling on the report and recommendation of Magistrate Judge Blewitt is deferred.
- 2) The Clerk of Court shall serve a copy of the petition along with copies of this order and all documents filed in this case, upon respondents.
- 3) A rule is issued upon Respondents to show cause why exhaustion in this case should not be excused.
- 4) Said rule is returnable April 20, 2001.

  
Sylvia H. Rambo  
United States District Judge

Dated: March 16, 2001.

---

<sup>1</sup>In United States v. Wojczak, 800 F.2d 353 (3d Cir. 1986), the court held a that a period of 33 months from the date of filing a Post Conviction Hearing Act petition and the habeas filing was undue delay where petitioner was not responsible for delay.

1: CV 01-0082 *copy*

AO 241 (Rev. 5/85)

PETITION UNDER 18 USC § 2254 FOR WRIT OF  
HABEAS CORPUS BY A PERSON IN STATE CUSTODY

United States District Court		District Middle of Pennsylvania
Name	DENNIS BASS - PROSE	Prisoner No. DW-6560
Place of Confinement	State Correctional Institution - Rockview Box A, Bellefonte, PA 16823	
		Case No. 131 of 1998
		FILED SCRANTON
Name of Petitioner (include name under which convicted)		Name of Respondent (authorized person having custody of petitioner)
DENNIS BASS		v. Court of Common Pleas of Luzerne County <i>BNK</i> DEPUTY CLERK
The Attorney General of the State of: Pennsylvania		
PETITION		
1. Name and location of court which entered the judgment of conviction under attack <u>Luzerne County Court of Common Pleas, 200 North River Street, Wilkes Barre, Pennsylvania 18711</u>		
2. Date of judgment of conviction <u>December 1, 1998</u>		
3. Length of sentence <u>2 to 4 years incarceration in a State Correctional Institution</u>		
4. Nature of offense involved (all counts) <u>Burglary, Resisting Arrest, Theft, Criminal Mischief, and Pennsylvania Dog Law.</u>		
<hr/> 5. What was your plea? (Check one) <ul style="list-style-type: none"> <li>(a) Not guilty <input checked="" type="checkbox"/></li> <li>(b) Guilty <input type="checkbox"/></li> <li>(c) Nolo contendere <input type="checkbox"/></li> </ul> <p>If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, give details:</p> <hr/> <hr/>		
6. If you pleaded not guilty, what kind of trial did you have? (Check one) <ul style="list-style-type: none"> <li>(a) Jury <input checked="" type="checkbox"/></li> <li>(b) Judge only <input type="checkbox"/></li> </ul>		
7. Did you testify at the trial? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
8. Did you appeal from the judgment of conviction? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (See Attached; as Exhibit B and C 4 of 4)		

AO 241 (Rev. 5/85)

9. If you did appeal, answer the following:

(a) Name of court \_\_\_\_\_

(b) Result \_\_\_\_\_

(c) Date of result and citation, if known \_\_\_\_\_

(d) Grounds raised \_\_\_\_\_

(e) If you sought further review or the decision on appeal by a higher state court, please answer the following:

(1) Name of court \_\_\_\_\_

(2) Result \_\_\_\_\_

(3) Date of result and citation, if known \_\_\_\_\_

(4) Grounds raised \_\_\_\_\_

(f) If you filed a petition for certiorari in the United States Supreme Court, please answer the following with respect to each direct appeal:

(1) Name of court \_\_\_\_\_

(2) Result \_\_\_\_\_

(3) Date of result and citation, if known \_\_\_\_\_

(4) Grounds raised \_\_\_\_\_

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any court, state or federal?

Yes  No

11. If your answer to 10 was "yes," give the following information:

(a) (1) Name of court Luzerne County Court of Common Pleas

(2) Nature of proceeding Post Conviction (Collateral) Relief Act,

Filed April 6, 1999.

(3) Grounds raised Ineffective Counsel, Abuse of Discretion. The trial

Judge charges and instructs Jury to find Defendant guilty on

AO 241 (Rev. 5/85)

non-evidentiary hearsay of Defense Attorney after the Prosecution's three witnesses' testimony was favorable to Defendant.

(4) Did you receive an evidentiary hearing on your petition, application or motion?  
Yes  No

(5) Result Judge Orders reproduction of Trial Transcripts

(6) Date of result April 20, 1999 (Attached as Exhibit D)

(b) As to any second petition, application or motion give the same information:

(1) Name of court Supreme Court of Pennsylvania, Middle District

(2) Nature of proceeding Writ of Mandamus and/or Extraordinary Relief

Filed #0116 MD MISC. DK. 2000

(3) Grounds raised Unconstitutional Violations of the lower court's inaction of filed PCRA, and requesting the State's Highest Court to compel the lower court to answer petitioner's first PCRA and requested transcripts.

(4) Did you receive an evidentiary hearing on your petition, application or motion?  
Yes  No

(5) Result Writ of Mandamus - Denied (Attached)

(6) Date of result September 21, 2000

(c) Did you appeal to the highest state court having jurisdiction the result of action taken on any petition, application or motion?

(1) First petition, etc. Yes  No   
(2) Second petition, etc. Yes  No

(d) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:

Defendant's Appeal Claims are Hearsay. Until the trial transcripts are produced, further denying Defendant accurate/proper access to the courts.

12. State concisely every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting same.

CAUTION: In order to proceed in the federal court, you must ordinarily first exhaust your available state court remedies as to each ground on which you request action by the federal court. If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

AO 241 (Rev. 5/85)

For your information, the following is a list of the most frequently raised grounds for relief in habeas corpus proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You may raise any grounds which you may have other than those listed if you have exhausted your state court remedies with respect to them. However, you should raise in this petition all available grounds (relating to this conviction) on which you base your allegations that you are being held in custody unlawfully.

Do not check any of these listed grounds. If you select one or more of these grounds for relief, you must allege facts. The petition will be returned to you if you merely check (a) through (j) or any one of these grounds.

- (a) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily with understanding of the nature of the charge and the consequences of the plea.
- (b) Conviction obtained by use of coerced confession.
- (c) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- (d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- (e) Conviction obtained by a violation of the privilege against self-incrimination.
- (f) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (g) Conviction obtained by a violation of the protection against double jeopardy.
- (h) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- (i) Denial of effective assistance of counsel.
- (j) Denial of right of appeal.

A. Ground one: (E) Conviction obtained by a violation of the privilege against self-incrimination.

Supporting FACTS (state briefly without citing cases or law): Upon the onset and beginning of trial; Prosecution describes defendant as the original burglar in the discovered elements described to the jury. Defense Attorney (P.D.) uses the strategy; Defendant received stolen property from another. Judge instructs the jury; to assist another in a crime can be found guilty of that crime.

B. Ground two: (F) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.

Supporting FACTS (state briefly without citing cases or law): Prosecution did not describe the Elements of the Crime that included a Co-Defendant to the jury. No information was produced to the Defendant concerning a Co-Defendant for the Defense. Prosecution's three witnesses never describe me as the original Burglar, nor is a Co-Defendant witnessed.

AO 241 (Rev. 5/85)

C. Ground three: (G) Conviction obtained by a violation of the protection against double jeopardy.

Supporting FACTS (state briefly without citing cases or law): The 25 minute trial of December 1, 1998, began with Defendant being the original Burglar, and trial ended with Defendant assisting an unknown and unproven Co-Defendant. Two different sets of the Elements of the Crime were used to convict Defendant of one Charge.

D. Ground four (I&J) Denial of effective assistance of counsel and denial of right of appeal.

Supporting FACTS (state briefly without citing cases or law): Notwithstanding the Defense Attorney/Public Defender not objecting to the above described miscarriages of justice, Defendant receives letter/notice from Public Defender 45 days (+/- from sentencing date asking if Defendant wished to appeal? Then the Public Defender removes himself as Defendant's Defense Attorney.

13. If any of the grounds listed in 12A, B, C, and D were not previously presented in any other court, state or federal, state briefly what grounds were not so presented, and give your reasons for not presenting them:

\_\_\_\_\_

14. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack?  
Yes  No

15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

(a) At preliminary hearing Public Defender - Mr. Ross, Esq., Luzerne County Court, 200 North River Street, Wilkes Barre, Pennsylvania 18711

(b) At arraignment and plea Same as above.

AO 241 (Rev. 5/85)

(c) At trial Same as above.

(d) At sentencing Same as above.

(e) On appeal N/A

(f) In any post-conviction proceeding Mr. S. Falcone Jr., esq., 490 North Main Street,  
Suite 202, Pittston, Pennsylvania 18640

(g) On appeal from any adverse ruling in a post-conviction proceeding Mr. B. Corcoran, esq.,  
400 Third Avenue, Kingston, Pennsylvania 18704

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time?

Yes  No

17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

Yes  No

(a) If so, give name and location of court which imposed sentence to be served in the future: \_\_\_\_\_

(b) Give date and length of the above sentence: \_\_\_\_\_

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

Yes  No

Wherefore, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding.

Pro-Se

\_\_\_\_\_  
Signature of Attorney (if any)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

JANUARY 16, 2001  
(date)



\_\_\_\_\_  
Signature of Petitioner

## OFFICE OF THE PUBLIC DEFENDER

Chief Public Defender  
BASIL G. RUSSIN, Esq.

LUZERNE COUNTY COURT HOUSE  
200 North River Street  
WILKES-BARRE, PENNSYLVANIA 18711-1001

Administrative Assistant  
Chief Investigator  
WILLIAM R. FELDMAN

717-825-1754  
FAX 717-825-1846  
TDD 717-825-1860



February 26, 1999

Mr. Dennis Bass  
C/O Luzerne County Correctional Facility

Dear Dennis,

Do you want to appeal your sentence? Please give a yes or no in writing. Do you wish to appeal your conviction? Please give me a yes or no in writing.

Thank You.

Sincerely,

CHARLES G. ROSS JR., ESQ.  
Assistant Public Defender

CGR/dms

( Exhibit B )

COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON PLEAS  
V.S. : OF LUZERNE COUNTY - CRIMINAL  
DENNIS BASS : NO. 131 OF 98

PETITION FOR APPOINTMENT OF CONFLICT COUNSEL

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The petition of the Office of the Public Defender of Luzerne County respectfully represents as follows:

1. The Defendant is Dennis Bass, an adult individual, who is presently incarcerated at the Luzerne County Correctional Facility.

2. On December 21, 1997, the Defendant was charged by Patrolman Brian Horst of the Wilkes Barre City Police Department with Burglary, Resisting Arrest, Theft and Criminal Mischief.

Said charges were filed to 131/98.

3. On December 1, 1998, the Defendant pled guilty before the Honorable Judge Toole. Sentencing was scheduled for January 8, 1999. PSI was scheduled for January 6, 1999.

4. January 8, 1999, the Defendant was sentenced on the above charges. On 131/98, Burglary, the Defendant was sentenced from a 24 month minimum to a 48 month maximum at S.C.I.

On Resisting Arrest, the Defendant was sentenced from a 6 month minimum to a 12 month maximum concurrent with Burglary. Theft requires no sentence. Defendant was remanded for classification, 1-15-99. Bail pending appeal was denied by the court. Defendant to have mental health evaluation-treatment if necessary.

Defendant to pay all court costs and restitution of \$165.00 within 12 months of release. Defendant to have no contact with victim or establishment. Criminal Mischief merges for sentencing purposes. Defendant advised of all rights. Defendant remanded.

5. We are requesting that the Honorable Court appoint conflict counsel for the following reasons:

a) Judge Toole sentenced the Defendant to a guideline sentence. He will be doing 2 years at S.C.I.

b) Since his sentencing, Defendant wrote counsel several times stating he did not wish to appeal. The appeal period is over and now after serving some jail time, Defendant is claiming counsel is ineffective.

WHEREFORE, the Public Defender's Office respectfully requests Your Honorable Court to appoint conflict counsel to represent the Defendant, Dennis Bass.

Respectfully submitted,

*Charles G. Ross Jr.* (mg)  
CHARLES G. ROSS JR., ESQUIRE  
Assistant Public Defender  
Counsel for Defendant

CGR/dms

Exhibit-C; pgs. 3 of 4

Defendant



B-38

COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON PLEAS  
V.S. : OF LUZERNE COUNTY - CRIMINAL  
DENNIS BASS : NO. 131 OF 1998

~~Defendant~~

ORDER

AND NOW, this 5<sup>th</sup> day of March, 1999,  
at 9<sup>th</sup> A M., upon consideration of the foregoing Petition  
for Appointment of Conflict Counsel, it is hereby ORDERED AND  
DECREED that [Redacted], Esq., is 3 AM 5  
appointed to represent the Defendant in the above-captioned  
matter.

BY THE COURT:

J. H. Murphy  
J.

5 AM 5  
J. H. Murphy  
65-25

cc: date filed 3-5-99

Judge Murphy  
DA

file  
Conflict Atty file  
Kifer & Co.  
Court Admin.

F-1-1-1-1-1-1-1-1-1-1

COMMONWEALTH OF PENNSYLVANIA

vs.

DENNIS BASS,

Defendant.

IN THE COURT OF COMMON PLEAS  
OF LUZERNE COUNTY  
CRIMINAL DIVISION

NO. 131 OF 1998

MOTION FOR ORDER TO TRANSCRIBE RECORD

The defendant, DENNIS BASS, in the above captioned matter having filed a Pro-se Motion for Post Conviction Collateral Relief on April 6, 1999, requests reproduction of the following portions of the trial record in the above-captioned case by and through his court appointed conflict counsel:

1. Trial: including openings, testimony (including sidebar conferences), evidentiary hearings during trial, closings, court's charge (including jury questions and responses thereto), and jury poll (December 1, 1998);
2. Sentencing: including court colloquy (January 8, 1999).

ORDER

AND NOW, this 20 day of April, 1999, the court stenographer of Luzerne County is directed to transcribe those portions of the trial record as marked above and to file the same with the Clerk of Courts with costs to be paid by the County of Luzerne.

It is further ORDERED that copies of this ORDER shall be served upon the trial court, the District Attorney of Luzerne County and the court stenographer.

APR 20  
BY THE COURT:

S/Conahan

J.

(Exhibit D)

SUPREME COURT OF PENNSYLVANIA



ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS  
1515 MARKET STREET, SUITE 1414  
PHILADELPHIA, PENNSYLVANIA 19102  
(215) 580-6300

July 26, 2000

Irene Bizzoso, Esquire  
Deputy Prothonotary - Middle District  
Supreme Court of Pennsylvania  
434 Main Capitol  
Harrisburg, PA 17108

RE: Dennis Bass vs. Court of Common Pleas of Luzerne County  
No. 0116 M.D. Miscellaneous Docket 2000

Dear Ms. Bizzoso:

This is to advise you that we will not be filing a formal response in the above-captioned matter. Luzerne County no longer employs the court stenographer that took the testimony, however, the county is in the process of having him transcribe the notes as quickly as possible, in compliance with the court order.

Enclosed is my entry of appearance and proof of service. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "David M. Donaldson".

David M. Donaldson  
Chief of Litigation

Enclosures

cc: Hon. Michael T. Conahan  
Mr. Dennis Bass

(Attached)

IN THE SUPREME COURT OF PENNSYLVANIA  
MIDDLE DISTRICT

DENNIS BASS,

Petitioner

vs

COURT OF COMMON PLEAS OF  
LUZERNE COUNTY,

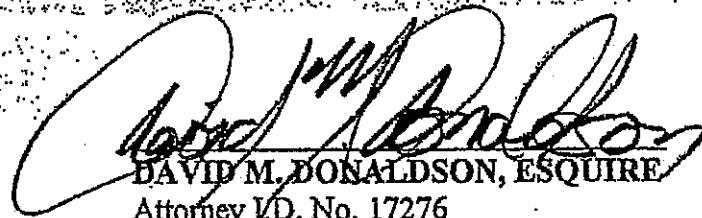
Respondent

No. 0116 M.D. Misc. Dkt. 2000

ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Kindly enter my appearance on behalf of the Court of Common Pleas of Luzerne  
County.



DAVID M. DONALDSON, ESQUIRE  
Attorney I.D. No. 17276  
Administrative Office of PA Courts  
1515 Market Street, Suite 1414  
Philadelphia, PA 19102  
(215) 560-6300

(Attached)



Supreme Court of Pennsylvania

Middle District

Irene M. Bizzoso

Deputy Prothonotary

Shirley Bailey

Chief Clerk

P.O. Box 624  
Harrisburg, PA 17108  
717-787-6181  
[www.zopc.org](http://www.zopc.org)

September 21, 2000

Dennis Bass  
DW-6560, SCI-ROCKVIEW  
Box A,  
Bellefonte, PA 16823-0820

RE: DENNIS BASS v. CCP OF LUZERNE COUNTY  
No. 116 MM 2000

Dear Bass:

Enclosed please find a certified copy of an order dated September 21, 2000 entered in the above-captioned matter.

Very truly yours,

Office of the Prothonotary

EEZ

cc: David M. Donaldson, Esq.

(Attached)

IN THE SUPREME COURT OF PENNSYLVANIA  
MIDDLE DISTRICT

DENNIS BASS,

No. 116 M.D. Misc. Dkt. 2000

Petitioner

v.

COURT OF COMMON PLEAS OF  
LUZERNE COUNTY,

Respondent

ORDER

PER CURIAM:

AND NOW, this 21<sup>st</sup> day of September, 2000, the request for leave to file original process is granted and the Petition for Writ of Mandamus and/or Extraordinary Relief is denied.

TRUE & CORRECT COPY

ATTEST:

SEP 21 2000

*Shirley Bailey*  
SHIRLEY BAILEY  
CHIEF CLERK

(Attached)

AO 240 (Rev. 6/86) Application to Proceed

United States District Court  
Middle District of Pennsylvania

Dennis Bass, Petitioner

Court of Common Pleas of  
Luzerne County, RespondentAPPLICATION TO PROCEED IN  
FORMA PAUPERIS, SUPPORTING  
DOCUMENTATION AND ORDER

CASE NUMBER:

CV 01-0-82

Dennis Bass

declare that I am the (check appropriate box)

 petitioner/plaintiff movant (filing 28 U.S.C. 2255 motion) respondent/defendant other

in the above-entitled proceeding; that, in support of my request to proceed without being required to prepay fees, cost or give security therefor, I state that because of my poverty, I am unable to pay the costs of said proceeding or give security therefor; that I believe I am entitled to relief. The nature of my action, defense, or other proceeding or the issues I intend to present on appeal are briefly stated as follows:

FILED  
SCRANTON

JAN 23 2001

In further support of this application, I answer the following questions.

1. Are you presently employed?

Yes  No 

a. If the answer is "yes," state the amount of your salary or wages per month, and give the name and address of your employer. (list both gross and net salary)

\$ 37.50 per Month

b. If the answer is "no," state the date of last employment and the amount of the salary and wages per month which you received.

2. Have you received within the past twelve months any money from any of the following sources?

a. Business, profession or other form of self-employment	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
b. Rent payments, interest or dividends	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
c. Pensions, annuities or life insurance payments	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
d. Gifts or inheritances	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
e. Any other sources	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

AO 240 Reverse

If the answer to any of the above is "yes," describe each source of money and state the amount received from each during the past twelve months.

Lost Income Tax-Return for 1997, amount to 1,070.00  
Random Gifts from wife; \$50.00 ea.

3. Do you own any cash, or do you have money in checking or savings accounts?

Yes  No  (Include any funds in prison accounts.)

If the answer is "yes," state the total value of the items owned.

1: CV 01-008

4. Do you own or have any interest in any real estate, stocks, bonds, notes, automobiles or other valuable property (excluding ordinary household furnishings and clothing)?

Yes  No

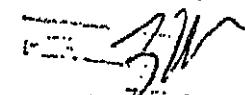
If the answer is "yes," describe the property and state its approximate value.

\$ 265.94

5. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support.

MM 2

JAN 22 2001



AMV  
DEPUTY C

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 16, 2001  
 (Date)

  
 Signature of Applicant

**CERTIFICATE**  
 (Prisoner Accounts Only)

I certify that the applicant named herein has the sum of \$ 249.99 on account to his credit at the SCI-Rockview Box A Bellefonte, PA 16823 institution where he is confined. I further certify that the applicant likewise has the following securities to his credit according to the records of said institution:

I further certify that during the last six months the applicant's average balance was \$ 448.86

DW-6560 Dennis Bass  
 January 17, 2001

Authorized Officer of Institution  
 Earl E. Walker, Clerical Supervisor 2 - Inmate Accountant

**ORDER OF COURT**

The application is hereby denied

The application is hereby granted. Let the applicant proceed without prepayment of cost or fees or the necessity of giving security therefor.

United States Judge

Date

United States Judge  
 or Magistrate

Date

PA DEPT. OF CORRECTION  
BUREAU OF COMPUTER SERVICES  
REMOTE PRINT TIME 7:28

INMATE ACCOUNTS SYSTEM  
PARTIAL ACCOUNT LISTING  
FROM PURGE FILE

RUN IAS365  
DATE 1/18/2001  
PAGE 1

INMATE NUMBER	NAME LAST	FIRST	MI	STARTING BALANCE
DW6560	BASS	DENNIS		-17.48
BATCH #	DATE MO/DY/YEAR	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
9007	07-03-2000	34 RADIO/TV BASIC CABLE TV AND HBO	-10.85	28.33
527	07-14-2000	14 MISCELLANEOUS U.S. TREASURY	1,070.00	1,041.67
539	07-17-2000	10 MAINTENANCE PAYROLL WAGES - JUNE 2000	31.73	1,073.40
8204	07-22-2000	32 ROC COMMISSARY FOR 7/24/2000	-3.40	1,070.00
8207	07-25-2000	32 ROC COMMISSARY FOR 7/26/2000	-44.18	1,025.82
623	07-26-2000	39 LEGAL FEES LUZERNE CO COURTHOUSE (ACT 27)	-283.75	742.07
624	07-26-2000	41 MEDICAL CO-PAY 7-24-00	-2.00	740.07
625	07-26-2000	31 OUTSIDE PURCHASES J L MARCUS INC	-22.75	717.32
8214	08-01-2000	32 ROC COMMISSARY FOR 8/01/2000	-22.36	694.96
9008	08-03-2000	34 RADIO/TV BASIC CABLE TV AND HBO	-10.85	684.11
684	08-04-2000	37 POSTAGE AUGUST	-3.74	680.37
697	08-07-2000	14 MISCELLANEOUS LUZERNE CO CK RET #E341458	283.75	964.12
703	08-07-2000	39 LEGAL FEES CLK CTS-LUZERNE CO	-118.75	845.37
8221	08-08-2000	32 ROC COMMISSARY FOR 8/08/2000	-23.89	821.48
750	08-14-2000	10 MAINTENANCE PAYROLL WAGES - JULY 2000	14.40	835.88
8228	08-15-2000	32 ROC COMMISSARY FOR 8/15/2000	-38.71	797.17
807	08-21-2000	37 POSTAGE AUGUST	-3.59	793.58
811	08-21-2000	38 INSIDE PURCHASES (AUGUST) LIBRARY COPIES	-8.70	784.88
8235	08-22-2000	32 ROC COMMISSARY FOR 8/22/2000	-44.84	740.04
8235	08-22-2000	32 ROC COMMISSARY FOR 8/22/2000	-27.07	712.97
8242	08-29-2000	32 ROC COMMISSARY FOR 8/29/2000	-28.43	684.54
909	09-01-2000	38 INSIDE PURCHASES LIBRARY COPIES	- .40	684.14

PA DEPT. OF CORRECTION  
BUREAU OF COMPUTER SERVICES  
REMOTE PRINT TIME 7:28

INMATE ACCOUNTS SYSTEM  
PARTIAL ACCOUNT LISTING  
FROM PURGE FILE

RUN IAS365  
DATE 1/18/2001  
PAGE 2

INMATE	NAME	NUMBER	LAST	FIRST	MI
		DW6560	BASS	DENNIS	

BATCH	DATE	TRANSACTION	DESCRIPTION	TRANSACTION	BALANCE AFTER		
#	MO	DAY	YEAR		AMOUNT	TRANSACTION	
8249	09	05	2000	32	ROC COMMISSARY		
					FOR 9/06/2000	-23.66	660.48
8250	09	06	2000	32	ROC COMMISSARY		
					FOR 9/06/2000	-35.62	624.86
9009	09	07	2000	34	RADIO/TV		
					BASIC CABLE TV AND HBO	-10.85	614.01
968	09	12	2000	31	OUTSIDE PURCHASES		
					J.L. MARCUS, INC.	-62.75	551.26
8256	09	12	2000	32	ROC COMMISSARY		
					FOR 9/13/2000	-25.24	526.02
1004	09	18	2000	10	MAINTENANCE PAYROLL		
					AUGUST WAGES - 2000	28.53	554.55
8263	09	19	2000	32	ROC COMMISSARY		
					FOR 9/19/2000	-36.18	518.37
1047	09	21	2000	37	POSTAGE		
					UPS CHARGES - 8-31-00	-3.63	514.74
1067	09	25	2000	38	INSIDE PURCHASES		
					LIBRARY COPIES - SEPTEMBER	-1.50	513.24
8270	09	26	2000	32	ROC COMMISSARY		
					FOR 9/26/2000	-10.76	502.48
BALANCE AFTER THESE TRANSACTIONS----->							502.48

PA DEPT. OF CORRECTION  
BUREAU OF COMPUTER SERVICES  
REMOTE PRINT TIME 7:28

INMATE ACCOUNTS SYSTEM  
PARTIAL ACCOUNT LISTING  
FROM ACTIVE FILE

RUN IAS365  
DATE 1/18/2001  
PAGE 1

INMATE NUMBER	NAME LAST	FIRST	MI	STARTING BALANCE		
DW6560	BASS	DENNIS		502.48		
BATCH	DATE	TRANSACTION DESCRIPTION			TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
9010	10-02-2000	34	RADIO/TV BASIC CABLE TV AND HBO		-10.85	491.63
8277	10-03-2000	32	ROC COMMISSARY FOR 10/03/2000		-40.95	450.68
1145	10-05-2000	37	POSTAGE OCTOBER		-1.43	449.25
1151	10-05-2000	38	INSIDE PURCHASES LIBRARY COPIES - SEPTEMBER		-.10	449.15
8284	10-10-2000	32	ROC COMMISSARY FOR 10/10/2000		-29.76	419.39
1182	10-11-2000	37	POSTAGE UPS - 9/21/00		-3.35	416.04
1182	10-11-2000	37	POSTAGE UPS - ADDRESS CORRECTION CHRG		-5.00	411.04
1208	10-16-2000	10	MAINTENANCE PAYROLL WAGES (SEPT)		37.80	448.84
8291	10-17-2000	32	ROC COMMISSARY FOR 10/17/2000		-18.38	430.46
1228	10-18-2000	37	POSTAGE OCTOBER		-.77	429.69
1235	10-18-2000	14	MISCELLANEOUS REIMBURSE - PRIVACY PANELS		10.85	440.54
8298	10-24-2000	32	ROC COMMISSARY FOR 10/24/2000		-30.64	409.90
1326	10-30-2000	41	MEDICAL CO-PAYS (10/26)		-2.00	407.90
8305	10-31-2000	32	ROC COMMISSARY FOR 10/31/2000		-20.71	387.19
9011	11-02-2000	34	RADIO/TV BASIC CABLE TV AND HBO		-10.85	376.34
8311	11-06-2000	32	ROC COMMISSARY FOR 11/06/2000		-22.91	353.43
1387	11-06-2000	39	LEGAL FEES FINES & COSTS/LUZERNE CO (27)		-30.00	323.43
1420	11-13-2000	10	MAINTENANCE PAYROLL OCTOBER WAGES - 2000		39.60	363.03
8319	11-14-2000	32	ROC COMMISSARY FOR 11/14/2000		-16.06	346.97
1466	11-17-2000	14	MISCELLANEOUS ACT 27 CHECK RETURN #E416381		30.00	376.97
8325	11-20-2000	32	ROC COMMISSARY FOR 11/20/2000		-27.26	349.71
8333	11-28-2000	32	ROC COMMISSARY FOR 11/28/2000		-41.44	308.27

PA DEPT. OF CORRECTIONS  
BUREAU OF COMPUTER SERVICES  
REMOTE PRINT TIME 7:28

INMATE ACCOUNTS SYSTEM  
PARTIAL ACCOUNT LISTING  
FROM ACTIVE FILE

RUN IAS365  
DATE 1/18/2001  
PAGE 2

INMATE NAME  
NUMBER LAST  
DW6560 BASS

FIRST MI  
DENNIS

BATCH #	DATE	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
	MO DY YEAR			
9012	12-04-2000	34 RADIO/TV	-10.85	297.42
8340	12-05-2000	32 ROC COMMISSARY FOR 12/05/2000	-18.24	279.18
1623	12-11-2000	10 MAINTENANCE PAYROLL NOVEMBER WAGES - 2000	35.63	314.81
8347	12-12-2000	32 ROC COMMISSARY FOR 12/12/2000	-19.18	295.63
8354	12-19-2000	32 ROC COMMISSARY FOR 12/19/2000	-11.45	284.18
8361	12-26-2000	32 ROC COMMISSARY FOR 12/27/2000	-18.76	265.42
1728	12-27-2000	41 MEDICAL CO-PAY 12-26-00	-4.00	261.42
8003	01-03-2001	32 ROC COMMISSARY FOR 1/03/2001	-19.84	241.58
9101	01-04-2001	34 RADIO/TV BASIC CABLE TV AND HBO	-10.85	230.73
8009	01-09-2001	32 ROC COMMISSARY FOR 1/09/2001	-7.12	223.61
1856	01-16-2001	10 MAINTENANCE PAYROLL WAGES - (DECEMBER)	37.50	261.11
8016	01-16-2001	32 ROC COMMISSARY FOR 1/16/2001	-11.12	249.99
BALANCE AFTER THESE TRANSACTIONS				249.99

January 16, 2001

3  
1/10  
Dennis BASS, DW-6560  
Box A Rockview S.C.I.  
Bellefonte, PA 16823

The Honorable Clerk of the  
United States District Court  
235 North Washington Avenue  
P.O. Box 1148  
Scranton, PA. 18501-1148

CV01-0082

FILED  
SCRANTON

RE: Change of Mailing Address

JAN 23 2001

PER

CLERK CLERK

Dear Honorable Clerk,

I have prepared the enclosed Writ  
of Habeas Corpus, And In forma pauperis request  
while incarcerated at the above address.

On January 22, 2001, I will leave  
incarceration and parole to a halfway house.

My new address will be,

90 Catholic Social Services

409-411 Olive Street

Scranton, PA 18509

Please, file this enclosed Petition under  
the new address, As the Petitioners Mailing  
address.

Respectfully,

Dennis BASS

Thank You!

(S) Dec 12

Pro-SR

(\$5.00 Filing Fee Included)

Jan. 19, 2001

Dennis Bass DW656  
Box A, Rockview S.C.  
Bellefonte, PA. 16823-1

The Honorable Clerk of  
United States District Court SCRANTON  
235 North Washington Avenue  
P. O. Box 1148 JAN 26 2001  
Scranton, PA 18501-1148 FILED  
PER [REDACTED] DEPUTY CLERK  
OT-CJ-0082

RE: Notice of Address/Residence

Dear Honorable Clerk,

I, Dennis Bass, recently filed a Writ of  
Habeas Corpus by a person in State Custody.  
I have signed and dated this writ, January 16,  
2001. Filed by, First Class Mail, from the above  
address.

Please TAKE NOTICE

I, Dennis Bass, will NOT be parole  
released on January 52, 2001 as anticipated.

The Above Address  
the Mailing Address  
Petition

FILED  
SCRANTON

JAN 29 2001

PER Amo  
DEPUTY CLERK

United States District Court  
235 North Washington Avenue  
P.O. Box 1148  
Scranton, PA, 18501-1148

Dennis BASS, DW6560211  
Box A, Rockview S.C.I.  
Bellefonte, PA, 16823-08

1:01cv82  
Rambo/Blawitt

RE: Error within Filed Informa Pauperus

Dear Honorable Clerk Of The District Court,

Upon review, the Prose Petitioner/Defendant has noticed an Error within the Filed Informa Pauperus (Form), Question 4;

I, Dennis Bass the Petitioner, do not own any interest in Any Real Estate, Stocks, Bonds, Notes, Automobiles or Any other VALUABLE Properties. The Check () Box is wrong and should of been indicated/checked "No". The Amount of \$ 265.94 was misplaced and belongs listed under Question 3 on this said Form.

Please Attach this Notice of Error to the Filed Informa Pauperus', Signed by the Petitioner and was dated; January 16, 2001

I declare under penalty of perjury that the foregoing is true and correct.

CC: Self (Carbon copy)

January 23, 2001

Respectfully Submitted,  
(S) Des P

(5)

Amp

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DENNIS BASS, : CIVIL ACTION NO. 1:CV-01-0082  
Petitioner : (Judge Rambo)  
v. : (Magistrate Judge Blewitt)  
COURT OF COMMON PLEAS OF :  
LUZERNE COUNTY and the :  
ATTORNEY GENERAL OF THE :  
STATE OF PENNSYLVANIA, :  
Respondents :  
FEB - 7 2001  
PER *[Signature]*  
DEPUTY CLERK

REPORT AND RECOMMENDATION

On January 23, 2001, the Petitioner, then an inmate at the State Correctional Institution at Rockview, filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, challenging a December 1, 1998, conviction in the Luzerne County Court of Common Pleas. (Doc. 1). We give the petition preliminary consideration and conclude that procedural defects warrant dismissal of the petition without directing a response thereto. See Rule 4, Rules Governing Section 2254 Cases in the United States District Courts. Specifically, we find that the Petitioner has failed to exhaust his available state court remedies.

On April 24, 1996, Congress enacted the Antiterrorism and Effective Death Penalty Act of 1996, Pub.L.No. 104-132, 110 Stat. 1214 (April 24, 1996), which modified the procedures for habeas corpus proceedings in federal court. Section 104(1) of the Act mandates that applications by persons in state custody "shall not be granted unless it appears that . . . the applicant has

exhausted the remedies available in the Court of the State<sup>1</sup> or there is no available state remedy or that process would be ineffective.<sup>1</sup> A habeas corpus petitioner bears the burden of demonstrating that he or she has satisfied the exhaustion requirement. *Conce v. Redman*, 780 F.2d 333, 335-36 (3d Cir. 1985). The exhaustion requirement "rests upon the principles of comity and judicial economy [and] provides state courts with an initial opportunity to consider and correct alleged violations of prisoners' rights without disruption from the federal courts." *Hankins v. Fulcomer*, 941 F.2d 246, 249 (3d Cir. 1991); see also *Gibson*, 805 F.2d at 138.

Exhaustion is not complete unless the trial court, the "intermediate court," and the highest state court, here the Supreme Court of Pennsylvania, have been presented with the substance of petitioner's federal claim. *Evans v. Court of Common Pleas, Del. County, Pa.*, 959 F.2d 1227, 1230 (3d Cir. 1992). See *Duncan v. Henry*, 115 S.Ct. 887, 888 (1995); *Picard v. Connor*, 404 U.S. 270, 275 (1971). In the instant matter, Petitioner currently has pending a Post Conviction Relief Act Petition in the Court of Common Pleas of Luzerne County. Specifically, on April 6, 1999, Petitioner filed with the Luzerne County Court of Common Pleas a Petition for Post Conviction Relief. (Doc. 1, p. 3). On Motion of Petitioner, the Court of Common Pleas of Luzerne County ordered the transcription of certain portions of Petitioner's trial record on April 20, 1999. (Doc. 1, Exhibit "D"). Petitioner then apparently filed a Petition for Writ of Mandamus and/or Extraordinary Relief in the Supreme Court of Pennsylvania, which was denied by Order of September 21, 2000. (Doc. 1, Exhibit "D", page four of Attachment). It appears, therefore, that Petitioner's *pro se* petition for post

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<sup>1</sup>We note that a federal court may deny an application on the merits notwithstanding an applicant's failure to exhaust state remedies. *Id.*

conviction relief remains pending in the Luzerne County Court of Common Pleas. Thus, Petitioner has failed to demonstrate that he has exhausted available state court remedies.

Exhaustion of state remedies is not required if: 1) the state corrective process is "so deficient" that any effort to obtain relief via state proceedings would be futile, *Gibson v. Scheidemantel*, 805 F.2d 135, 138 (3d Cir. 1986); 2) the acts of the state authorities have, in effect, made state remedies unavailable to the petitioner, *Mayberry v. Petsock*, 821 F.2d 179, 184 (3d Cir.), cert. denied, 484 U.S. 946 (1987); and 3) there has been such an "inordinate delay" in state procedures that the state process has been rendered ineffective. *Hankins v. Fulcomer*, 941 F.2d 246, 251 (3d Cir. 1991); *Schandlmeier v. Cunningham*, 819 F.2d 52 (3d Cir. 1986), cert. denied, 480 U.S. 938 (1987).

The Petitioner has not demonstrated that he has pursued all of his available state court remedies, nor has he set forth a compelling reason why the exhaustion requirement should be excused. As such, the petition is subject to dismissal.

We therefore respectfully recommend that the Petition for Writ of Habeas Corpus be dismissed for failure to exhaust available state court remedies.



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THOMAS M. BLEWITT  
United States Magistrate Judge

Dated: February 1, 2001

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DENNIS BASS, : CIVIL NO. 1:CV-01-0082

Petitioner, : (Judge Rambo)

v. : (Magistrate Judge Blewitt)

COURT OF COMMON PLEAS OF  
OF LUZERNE COUNTY, et al.,

Respondents

FILED  
SCRAM

FEB - 7 2001

PER *[Signature]* DEPUTY CLERK

NOTICE

NOTICE IS HEREBY GIVEN that the undersigned has entered the foregoing Report and Recommendation dated February 7, 2001.

Any party may obtain a review of the Report and Recommendation pursuant to Rule 72.3, which provides:

Any party may object to a magistrate judge's proposed findings, recommendations or report addressing a motion or matter described in 28 U.S.C. § 636 (b)(1)(B) or making a recommendation for the disposition of a prisoner case or a habeas corpus petition within ten (10) days after being served with a copy thereof. Such party shall file with the clerk of court, and serve on the magistrate judge and all parties, written objections which shall specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for such objections. The briefing requirements set forth in Local Rule 72.2 shall apply. A judge shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made and may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge, however, need conduct a new hearing only in his or her discretion or where required by law, and may consider the record developed before the

magistrate judge, making his or her own determination on the basis of that record. The judge may also receive further evidence, recall witnesses or recommit the matter to the magistrate judge with instructions.



THOMAS M. BLEWITT  
United States Magistrate Judge

Dated: February 7, 2001

1:01-82

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1  
2/13/01

Dennis Bass  
SCI-Rockview  
DW6560  
Box A  
Bellefonte, PA

Re: 1:1

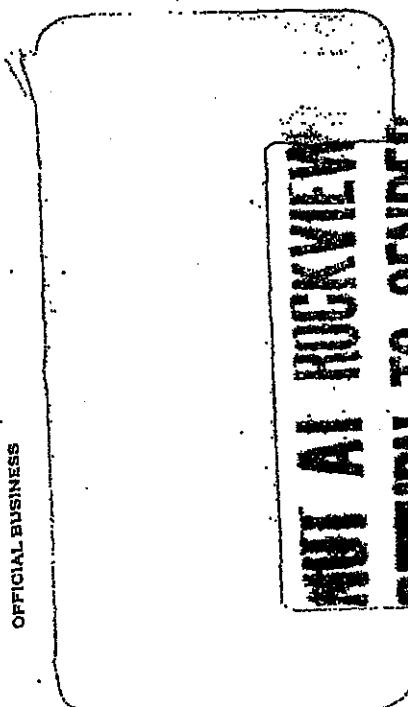
Please file all  
the assigned Ju  
with the Judge'

JUDICIAL OFFICE  
Judge Sylvia H.  
Judge Yvette Ka  
Judge William W  
Magistrate Judge

Chief Judge Thor  
Judge A. Richard  
Judge James M.  
Judge William J.  
Judge Richard P.  
Judge Edwin M.  
Magistrate Judge  
Magistrate Judge

Judge James F. M  
Judge Malcolm Mu

OFFICE OF THE CLERK  
UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA  
WILLIAM J. NEALON FEDERAL BLDG. & U.S. COURTHOUSE  
235 NORTH WASHINGTON AVENUE  
P.O. BOX 1148  
SCRANTON, PA 18501-1148  
OFFICIAL BUSINESS



DO NOT MAIL  
RETURN TO SENDER

1:01CV82

(S)  
AM

February 13, 2001

Dennis Bass, 73674, 3H2/21  
Lee County Justice Center  
2115 Dr. Martin Luther King, Jr. BL  
Fort Myers, Florida 33901

United States District Court  
Middle District of PA.  
PO Box 1148  
Scranton PA 18501-1148

FILED  
CCB/ATOM

FEB 20 2001

MEH *TS*  
DEPUTY CLERK

RE: Change of Mailing Address for Petitioner

Dear Honorable Clerk,

Please Take Notice the above listed Petitioner in a Habeas Corpus has been extradited and relocated/reincarcerated in the State of Florida. The Petitioner's Original Filing Address was, Dennis Bass, DW-6560  
Box A, Rockview S.C.I.  
Bellefonte, PA 16823-0820

Please be made aware that upon extradition Petitioner was not allowed to retain legal counsel and copies, that were not pertaining to the court exercising extradition.

I declare under perjury the foregoing is true and the signature is genuine  
And  
Correct

(S) *Dee*

9  
3-1-01  
MRA

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DENNIS BASS,

Petitioner

v.

COURT OF COMMON PLEAS OF  
LUZERNE COUNTY and  
THE ATTORNEY GENERAL OF  
THE STATE OF PENNSYLVANIA,

Respondents

CIVIL NO. 1:CV-01-0082

(Judge Rambo)

(Magistrate Judge Blewitt)

FILED  
HARRISBURG, PA

FEB 28 2001

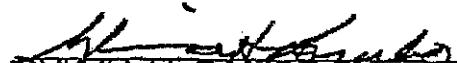
MARY E. D'ANDREA, CLERK  
Per MRA Deputy Clerk

ORDER

The background of this order is as follows:

On February 7, 2001, the magistrate judge to whom this matter was referred filed a report recommending that the petition for writ of habeas corpus be dismissed for Petitioner's failure to exhaust available state court remedies. On February 13, 2001, the copy of the report and recommendation sent to Petitioner was returned marked "paroled" with no forwarding information noted. On February 20, 2001, the clerk of court received a notice of change of address for petitioner. On February 28, 2001 a copy of the February 7, 2001, report and recommendation was remailed to Petitioner.

Accordingly, IT IS HEREBY ORDERED THAT Petitioner shall have until March 16, 2001 to file objections to the report and recommendation. No extensions will be granted.

  
Sylvia H. Rambo  
United States District Judge

Dated: February 28, 2001.

**JUDGE'S COPY**

COP  
10

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

Dennis Bass, **FILED**  
Petitioner HARRISBURG Civil Action No;  
MAR 12 2001 1:CV-01-0082

v. MARY E. D'ANDREA, CLERK  
Per GS DEPUTY CLERK

(Judge Rimbos)

Court Of Common Pleas of  
Luzerne County and the (Magistrate Judge Blewitt  
Attorney General of the  
State of Pennsylvania

Objection to the Report and Recommendation

I, Dennis Bass the Petitioner (Pro-se) in  
the above said Civil Action, respectfully  
file my Objections against the Report  
and Recommendation of United States  
Magistrate Judge - Thomas M. Blewitt, dated:

(2)

February 7, 2001 recommending; the Petition for Writ of Habeas Corpus should be dismissed for Petitioners failure to exhaust "available" state court remedies.

Petitioner raises Objection Against Recommendation

1) Recommendation; Antiterrorism and Effective Death Penalty Act-Section 104(1) - "unless it appears that... the Applicant has exhausted the remedies available in the Court of the State".

Objection;

Petitioner believes the present undecided status, of Petitioners Post Conviction Relief Act (PCRA) in the lower court of Luzerne County has prevented Petitioner Access to the Courts and further judicial review.

3

Petitioner applied for a Writ of Mandamus and/or Extraordinary Relief in Pennsylvania Supreme Court to compel the lower court to a PCRA decision and/or to release certified transcripts of Petitioner's December 1, 1998 criminal jury trial for burglary to the Petitioner.

Petitioner has taken the only known state remedy, in pursuit of judicial review. Attempting to compel the lower court to surrender a final decision on the PCRA, when the Pa. Supreme Court denied Petitioner's Writ of Mandamus and/or Extraordinary Relief, the Supreme Court allowed the Petitioner's PCRA to continue unanswered and undecided. A Writ of Mandamus is believed the only state remedy available for an unanswered and undecided PCRA, being held-up in the lower court.

2) Recommendation; "A Habeas Corpus Petitioner bears the burden of demonstrating that he has satisfied the exhaustion

4

requirement", Gonce V. Redman 780 F.2d 333, 335-36 (3d Cir 1985)

Objection:

Petitioner believes when he followed the state laws subscribed for Authoritively compelling the lower court, Petitioner has taken the only legal approach to this matter, by requesting Authoritive assistance of the Supreme Court to obtain a PCRA decision with A Writ of Mandamus. When the Writ of Mandamus was denied to the Petitioner, So was the Petitioner denied judicial remedy.

3) Recommendation; "provide(s) state courts with an initial opportunity to consider and correct alleged violations of prisoners rights without disruption from the Federal Courts", Hankins V. Fulcomer 941 F.2d 246, 249 (3d Cir. 1991)

Objection:

Petitioner believes he has expressly clarified the alleged violations on two (2) separate Accounts; First, within the original

(5)

PCRA, And Second, within the Writ of Mandamus And/or Extraordinary Relief. The lower courts indecision is based upon their inability to secure certified transcripts, And the Supreme Court has taken no-action to correct alleged Violations of PCRA rules by denying Petitioners Writ of Mandamus.

4) Recommendation, "Exhaustion is not complete unless the trial court, the "intermediate" court (Superior) and the highest state court (Supreme) have been presented with the substance of petitioners federal claim", Evans V. Court of Common Pleas Del. County Pa. 959 F.2d 1227, 1230 (3d Cir. 1992).

Objection,

Petitioner believes the unanswered And undecided status of Petitioners PCRA, Allows for "No" Appropriate filings in any State Court, The lower court is abusing their discretion and procrastinating by using the excuse of, "The lower

(6)

court can not (Yet) produce the certified trial transcripts of December 1, 1998."

Further Objections Against Lower Court:

Petitioner believes he will not have enough time to properly pursue this matter in a Federal Court, after exhausting state remedy, prior to Petitioner's maximum expiration of sentence on December 12, 2002.

Petitioner believes the availability of such trial transcripts are of Public Record and are not the property of the court's transcriptionist. The trial court has the sole responsibility and authority to possess and retain such transcripts.

Petitioner believes he has been "forced" into inaction, due to unproduced transcripts, and documentation, within this matter. Over and Above what is deemed timely, this time should not be charged against Petitioner. When the lower court is withholding the PCRA

7

decision And certified transcripts, this wasted time should be charged Against the lower court for their inaction to the Petitioners alleged claims of Constitutional Violations, this wasted time should be added to Petitioners Maximum Expiration of Sentence, so not to cause an arbitrary "MOOT" judgement and "Untimely" claim Against Petitioner.

Petitioner believes there is no other avenue of judicial remedy available to him, the only exception is this filed Petition for Writ of Habeas Corpus, Petitioner having been denied a PCRA decision and certified transcripts has no venue in any other state court. Making all of the Petitioners claims undocumented hearsay and without merit in any state court.

(8)

Exhaustion of State Remedies Are Not Required If:

1) ["the state corrective process is "so deficient" that any effort to obtain relief, via state proceedings, would be futile", Gibson V. Scheidemann, 805 F.2d 135, 138 (3d Cir. 1986)]

Agree;

Petitioner believes, as previously said within objection, the lower courts refusal to surrender PCRA decision and certified transcripts, denies the Petitioner any avenue to obtain relief in any state proceeding. Any motion submitted to a state court that is filed with no proof or evidence, and without documentation and transcripts, is a futile act of the Petitioner in any higher state court.

2) ["the acts of state authorities have, in effect, made state remedies unavailable to petitioner", Mayberry V. Petsock, 821 F.2d 179, 184 (3d Cir.) cert. denied 484 U.S. 946 (1987).]

(9)

Agree:

Petitioner believes, as previously said within objection, the Supreme Court of Pennsylvania, having denied the Petitioner "closure" of PCRA has based their decision on unproduced trial transcripts and has in effect, made state remedies unavailable to the Petitioner. The denied Writ of Mandamus and/or Extraordinary Relief being the only avenue Petitioner had to pursue PCRA to closure, and to receive certified trial transcripts from an unanswered and undecided PCRA motion in the lower court.

3 [ "there has been such an "inordinate delay" in state procedures that the state process has been rendered ineffective", Hankins V. Fulcomer 941 F.2d 246, 251 (3d Cir. 1991); Schandelmeyer V. Cunningham, 819 F.2d 52 (3d Cir. 1986) cert denied, 480 U.S. 938 (1987). ]

(10)

Agree:

Petitioner believes, as previously said within objection, the process of the lower court to effectively produce certified transcripts within a timely manner, is unfulfilled within Petitioners filed PCRA of April 4, 1998.

On April 20, 1998 in the lower court - Judge Conahan ordered the production of certified transcripts.

The State Process for producing certified transcripts has failed and has inhibited the Petitioners ability to pursue state remedy.

The certified transcripts that have "NOT" been produced to date, describe an "inordinate delay" of state procedures and that the state process of surrendering a PCRA decision has been rendered ineffective.

I, Dennis Bass the Petitioner, hereby further objects to the belief

(11)

that Petitioner has deliberately not exhausted state remedy. The Petitioner can not file any legal action, in any court without proper and accurate evidentiary documentation and/or without a decided/denied PCRA Motion.

The purpose of Petitioner filing a Federal-Writ of Habeas Corpus is; Petitioner is being denied access to the state courts; The lower court refusal to surrender PCRA decision

(12)

And/or to "Not" release certified transcripts, places this Petitioner into a position without access to the courts. The lower court's inaction of violating Petitioner's rights, is further supported by the states' Supreme Court.

Petitioner respectfully sets forth some compelling reasons why the exhaustion requirement should be excused.

Petitioner respectfully requests

(13)

the Petition of Writ of Habeas

Corpus be allowed to proceed,

With the knowledge that, Petitioner  
could not seek proper and accurate  
judicial remedy, without immediate  
State Court denial, for lack of  
exhibits and documented evidence.

Therefore, Petitioner respectfully

Objects to the Report and Recommendation

of the United States Magistrate Judge -

Thomas M. Blewitt of; February 7, 2001

(14)

Petitioner has made the March 16, 2001  
deadline for filing objections and has  
filed accordingly.

Respectfully Submitted,  
(S) Dennis Bass  
Dennis Bass - Pro se  
Petitioner  
Service

The Petitioner has placed 3 copies of the  
Petitioner's Objections of the U.S. Magistrate  
Judge - T.M. Blewitts, February 7, 2001 - Report on  
Recommendation, placed into the first class  
mail system of Lee County Justice Ctr. on  
the 8<sup>th</sup> day of March, 2001, Addressed to  
the U.S. District Court in Harrisburg, PA.

I declare under the penalty of perjury  
that the foregoing is correct and that the  
signature is genuine.

(S) Dennis Bass - Petitioner  
Dennis Bass, 73674, 3  
2115 Dr Martin Luther King Jr